File No. 140143

Committee Item No._____
Board Item No. 19

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee_____ Date_____

Board of Supervisors Meeting Date April 1, 2014

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☐	☐	Contract/Agreement
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OTHER (Use back side if additional space is needed)

☐	☐	Appeal Letter
☐	☐	Planning Response to Appeal
☐	☐	Appellants'Brief
☐	☐	SF Municipal Transportation Agency's Response
☐	☐	Communications

Completed by:Joy Lamug Date March 27, 2014
Completed by:_____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

From:	Caldeira, Rick (BOS)
Sent:	Thursday, March 27, 2014 11:51 AM
To:	BOS-Supervisors; BOS-Legislative Aides; Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Turrell, Nannie (CPC); Poling, Jeanie (CPC); Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Pearson, Audrey (CAT); Greenburg, David (CAT); Maerz, Robert (CAT); Paine, Carli (MTA); Boomer, Roberta (MTA); Ionin, Jonas (CPC); Angotti, Kathryn; Navarrete, Joy (CPC); sbh@preservationlawyers.com; Quigley, Corinne
Cc:	Calvillo, Angela (BOS); Carroll, John (BOS); Lamug, Joy
Subject:	RE: Appellant's Submission - Not Submitted in Accordance with 31.16(b)(5) - Appeal of SFMTA Resn. 14-023 (Commuter Shuttle Policy)- Hrg. Apr. 1, 2014
Attachments:	2014.03.24- Response Letter from Appellants.pdf

Resending to clarify that this information was not submitted in accordance with timeframes detailed in Administrative Code, Section 31.16(b)(5) due to improperly being submitted to the Board of Supervisors e-mail address (Board.of.Supervisors@sfgov.org), rather than the Clerk of the Board's e-mail address (BOS.Legislation@sfgov.org), as listed in the compliance letter, Appellant Richard T. Drury of Lozeau Drury, LLP, submission for the Appeal of SFMTA Res. No. 14-023 (Commuter Shuttle Policy and Pilot Program). The appeal is scheduled to be heard by the Board of Supervisors on April 1, 2014, at 3:00 p.m.

Please be further advised, that in accordance with Government Code, Section 65009(1)(b), this information was received and will therefore be included in the official file for this matter.

Regards,

Rick Caldeira, MMC
Legislative Deputy Director
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-7711 | Fax: (415) 554-5163
rick.caldeira@sfgov.org | www.sfbos.org

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From: Lamug, Joy
Sent: Monday, March 24, 2014 1:58 PM
To: BOS-Supervisors; BOS-Legislative Aides; Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Turrell, Nannie (CPC); Poling, Jeanie (CPC); Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Pearson, Audrey (CAT); Greenburg, David (CAT); Maerz, Robert (CAT); Paine, Carli (MTA); Boomer, Roberta (MTA); Ionin, Jonas (CPC); Angotti, Kathryn; Navarrete, Joy (CPC); sbh@preservationlawyers.com; Quigley, Corinne
Cc: Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS)
Subject: FW: Appeal of SFMTA Resn. 14-023 (Commuter Shuttle Policy)- Hrg. Apr. 1, 2014

Good Afternoon,

Please find attached, Appellant Richard T. Drury of Lozeau Drury, LLP, submission for the Appeal of SFMTA Res. No. 14-023 (Commuter Shuttle Policy and Pilot Program). The appeal is scheduled to be heard by the Board of Supervisors on April 1, 2014, at 3:**00 p.m.**

Thank you,

Joy Lamug
Legislative Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Direct: (415) 554-7712 | Fax: (415) 554-5163
Email: joy.lamug@sfgov.org
Web: www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking here.

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From: Toyer Grear [mailto:toyer@lozeaudrury.com]
Sent: Monday, March 24, 2014 12:51 PM
To: Lamug, Joy; BOS Legislation
Subject: Fw: Appeal of SFMTA Resn. 14-023 (Commuter Shuttle Policy)- Hrg. Apr. 1, 2014

Toyer Grear
Lozeau | Drury LLP
Office Manager / Legal Assistant
410 12th Street, Suite 250
Oakland, CA 94607
510-836-4200 / 510-836-4205 fax
toyer@lozeaudrury.com

----- Forwarded Message -----
From: Toyer Grear <toyer@lozeaudrury.com>
To: "joy.lamug@sfgov.org" <joy.lamug@sfgov.org>; bos.legislations@sfgov.org
Cc: Richard Drury <richard@lozeaudrury.com>
Sent: Monday, March 24, 2014 12:29 PM
Subject: Fw: Appeal of SFMTA Resn. 14-023 (Commuter Shuttle Policy)- Hrg. Apr. 1, 2014

Hello Joy :

Per our conversation attached please find an electronic copy of the Appeal of SFMTA Resolution No. 14-023, CEQA Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program and amending Transportation Code, Division II, and Approval of Motion to Suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order Regarding Published Notice (January 21, 2014); Which we sent on Friday. March 21, 2014, as adressed below, on behalf of Sara Short, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club, SEIU 1021 and the San Francisco League of Pissed Off Voters. As we discussed I will also overnight hard copies of the attached comments addressed to your attention to be distributed to all parties. If you have any questions or require any additional information, please feel free to contact our office.

Regards,
Toyer Grear
Lozeau | Drury LLP
Office Manager / Legal Assistant
410 12th Street, Suite 250
Oakland, CA 94607
510-836-4200 / 510-836-4205 fax
toyer@lozeaudrury.com

----- Forwarded Message -----
From: Toyer Grear <toyer@lozeaudrury.com>
To: "board.of.supervisors@sfgov.org" <board.of.supervisors@sfgov.org>; john.avalos@sfgov.org; "london.breed@sfgov.org" <london.breed@sfgov.org>; david.campos@sfgov.org; "david.chiu@sfgov.org" <david.chiu@sfgov.org>; "malia.cohen@sfgov.org" <malia.cohen@sfgov.org>; "mark.farrell@sfgov.org" <mark.farrell@sfgov.org>; jane.kim@sfgov.org; "eric.l.mar@sfgov.org" <eric.l.mar@sfgov.org>; "katy.tang@sfgov.org" <katy.tang@sfgov.org>; "scott.wiener@sfgov.org" <scott.wiener@sfgov.org>; "norman.yee@sfgov.org" <norman.yee@sfgov.org>
Cc: Richard Drury <richard@lozeaudrury.com>
Sent: Friday, March 21, 2014 3:35 PM
Subject: Appeal of SFMTA Resn. 14-023 (Commuter Shuttle Policy)- Hrg. Apr. 1, 2014

Dear President Chiu and Honorable Members of the Board of Supervisors:

On behalf of Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club, SEIU 1021 and the San Francisco League of Pissed Off Voters, attached please find a copy of the Appeal of SFMTA Resolution No. 14-023, CEQA Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program and amending Transportation Code, Division II, and Approval of Motion to Suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order Regarding Published Notice (January 21, 2014). Please note a hard copy of the attached comments will follow by U.S. first class mail. If you have any questions, or require an additional information, please feel free to contact our office.

Regards,
Toyer Grear
Lozeau | Drury LLP

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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 JAN 29 PM 3:17

Via Hand Delivery and Electronic Mail

President David Chiu
c/o Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors of the City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
Email: Board.of.Supervisors@sfgov.org

Re: Appeal of SFMTA Resolution No. 14-023, CEQA Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program and amending Transportation Code, Division II, and Approval of Motion to Suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order Regarding Published Notice (January 21, 2014)

Dear President Chiu and Honorable Members of the Board of Supervisors:

I am writing on behalf of Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club ("Milk Club"), Service Employees International Union Local Union 1021 ("SEIU Local 1021"), and the San Francisco League of Pissed Off Voters (collectively, "Appellants"), concerning the San Francisco Municipal Transportation Authority ("SFMTA") Commuter Shuttle Policy and Pilot Program and proposed amendments to Transportation Code, Division II, to authorize establishing a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establishing a fee for such permits and penalties for permit violations (collectively, "Project" or "Commuter Shuttle Project).

Ms. Shortt is a San Francisco resident who previously submitted comments to SFMTA on the Project on January 21, 2014. A true and correct copy of Ms. Shortt's January 21 comment letter is attached hereto as Exhibit A. The Milk Club is San Francisco's largest Democratic Club. The Club works within the Democratic Party and elsewhere to bring the issue of Lesbian / Gay / Bisexual / Transgender rights to the forefront of political campaigns; to lobby for

legislation which upholds the rights of Lesbians, Gays, Bisexuals, Transgendered and other peoples; and encourages and supports the election and appointment of Lesbians, Gays, Bisexuals, and Transgendered people to public office. SEIU Local 1021 is a non-profit public and private service employees' union with over 6000 members living in the City and County of San Francisco. The San Francisco League of Pissed Off Voters is a volunteer-based organization with members that live, work, and commute in and around San Francisco. Ms. Shortt, along with members of the Milk Club, SEIU Local 1021, and San Francisco League of Pissed Off Voters live within the areas of displacement, traffic, and air quality impacts of the Commuter Shuttle Project, and regularly use public thoroughfares and public transportation in areas that will be impacted by the Project.

A. Decision Being Appealed (Admin. Code §§ 31.16(a); (b)(1), (e)).

Pursuant to San Francisco Administrative Code ("Admin. Code") Section 31.16, Appellants hereby appeal the January 21, 2014 decision of SFMTA approving Resolution No. 14-023, including but not limited to (1) SFMTA's approval of the Project; (2) approval of the January 8, 2014 SFMTA determination that the Project is exempt from environmental review pursuant to Title 14 of the California Code of Regulations ("CEQA Guidelines") Section 15306 as a Class 6 (Information Collection) categorical exemption ("SFMTA CEQA Determination"); (3) approval of the January 9, 2014 City Planning Department concurrence with SFMTA's CEQA Determination ("CEQA Concurrence"); and (4) the approval of a motion to suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order regarding published notice for implementing the Project (collectively, "Approval Action"). Pursuant to Admin. Code Section 31.16(b)(1), true and correct copies of Resolution No. 14-023 and the related SFMTA CEQA Determination and CEQA Concurrence are attached hereto as Exhibit B. Pursuant to Admin Code Section 31.16(b)(1), a copy of this Appeal Letter is simultaneously being submitted to the Environmental Review Officer.

B. Grounds For Appeal (Admin. Code § 31.16(b)(1), (e)).

Appellants urge the Board of Supervisors to reverse the Approval Actions by SFMTA for the Project on the grounds that the Project is not exempt from the requirements of the California Environmental Quality Act, Pub. Res. Code §§ 21000 et seq. ("CEQA"), and in particular is not subject to a categorical exemption under CEQA Guidelines Section 15306 because there is a fair argument that the Project will have significant environmental impacts that the City has failed to analyze and mitigate. These include impacts on the residents of San Francisco and surrounding municipalities and counties, including Appellant

members. Appellants, and indeed all San Franciscans and Californians, deserve the best, most sustainable Commuter Shuttle Project possible under CEQA and local law.

CEQA applies to agency projects that may have an adverse environmental impact. *CBE v. SCAQMD* 48 Cal.4th 310, 319 (2010); *Friends of Mammoth v. Board of Supervisors*, 8 Cal.3d 247, 259 (1972). CEQA's procedural and substantive requirements are "interpreted . . . to afford the fullest possible protection to the environment within its reasonable scope of the statutory language." *Friends of Mammoth*, 8 Cal.3d at 259. CEQA has two broad purposes: 1) avoiding, reducing or preventing environmental damage by requiring alternatives and mitigation measures. CEQA Guidelines§ 15002(a); and 2) providing information to decision-makers and the public concerning the environmental effects of the proposed project. CEQA Guidelines § 15002(a)(1). If a project will have a significant effect on the environment, an EIR is required. CEQA Guidelines §§ 15002(k), 15063(b)(2), 15070.

CEQA and its regulations provide that certain projects may be exempt. However, ***"[a]n activity that may have a significant effect on the environment cannot be categorically exempt."*** *Salmon Protectors v. County of Marin* (2004) 125 Cal.App.4th 1098, 1107; *Azusa Land Reclamation v. Main San Gabriel Basin* (1997) 52 Cal.App.4th 1165, 1191, 1202. And "[s]ince a determination that a project falls within a categorical exemption excuses any further compliance with CEQA whatsoever, we must construe the exemptions narrowly in order to afford the fullest possible environmental protection. *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal. App. 4th 677, 697.

CEQA's unique "fair argument" standard applies when reviewing a CEQA exemption. Under the "fair argument" standard, an agency is precluded under the Guidelines from relying on a categorical exemption when there is a fair argument that a project will have a significant effect on the environment. *Berkeley Hillside Pres. v. City of Berkeley* (2012) 203 Cal. App. 4th 656, 670-671; *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* ("*Bankers Hill*") (2006) 139 Cal. App. 4th 249, 266. In other words, "where there is any reasonable possibility that a project or activity may have a significant effect on the environment, an exemption would be improper." *Id.*; *Dunn-Edwards Corp.*, 9 Cal.App.4th at 654-655.

Under these principles, there is no CEQA exemption that can reasonably apply to the Commuter Shuttle Project, because there is a fair argument that the Project will result in significant environmental impacts, including air pollution, the displacement of people and housing, and the displacement of low income

communities and communities of color that live, work, and commute in the areas proposed for Commuter Shuttle activities.

CEQA requires the lead agency to determine whether the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly," (PRC § 21083(b)(3), (d)), and to "take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." See PRC §21000 et seq. Specifically, CEQA Guidelines Appendix G, Section XII provides that a project will have significant impacts where it will:

- Induce substantial population growth or concentration of population in an area, either directly (for example, by proposing new housing or businesses), or indirectly (for example, through extension of roads or other infrastructure);
- Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere; or
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. See CEQA Guidelines Appendix G, Section XII.

Here, the Commuter Shuttle Project is likely to displace numerous residents and commuters who currently live, work, commute, and recreate in the areas proposed for the Commuter Shuttle stops, and replace them with workers from the private technical companies sponsoring the shuttles, who are wealthier and less likely to come from communities of color. For the same reasons, the Project also violates Gov. Code 11135, which prohibits any government support for programs that have a discriminatory impact. See Kalama D. Harris, Attorney General, "Environmental Justice at the Local and Regional Level," May 8, 2012, available at http://oag.ca.gov/sites/all/files/pdfs/environment/ej_fact_sheet_final_050712.pdf.

Furthermore, the Section 15306 categorical exemption ("Information Collection") does not apply on its face because the Project is not limited to "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource," which is a facial prerequisite for the claimed exemption. CEQA Guidelines § 15306.

Finally, the Project is not subject to any categorical exemption because the Project is subject to exceptions to categorical exemptions, including but not limited to Project location (Section 15306 exemptions are qualified by consideration of where the project is to be located–a project that is ordinarily

insignificant in its impact on the environment may in a particularly sensitive environment be significant), and unusual circumstances due to the likelihood of displacement of people and housing. CEQA Guidelines § 15300.2(a), (c).

C. Additional Appeal Procedures.

Appeal of SFMTA's Approval Action to the Board of Supervisors is authorized under CEQA and the Admin. Code. Pub. Res. Code § 21151(c); Admin. Code § 31.16(b), (e). This Appeal is timely because it is being filed within 30 days of January 21, 2014, the date of SFMTA's Approval Action of the Project. See Admin. Code § 31.16(e)(1), (2)(A), (B); see Resolution No. 14-023, p. 2 ("this approval is the Approval Action as defined by San Francisco Administrative Code Chapter 31").

Appellants expressly reserve the right to submit additional written and oral comments, and additional evidence in support of this Appeal, to the City and County of San Francisco and its departments ("City") and to the Board of Supervisors up to and including the final hearing on this Appeal and any and all subsequent permitting proceedings or approvals undertaken by the City or any other permitting agency for the Project. PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("*Bakersfield*") (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121; Admin Code § 31.16(b)(4), (5), (6).

Thank you for consideration of this Appeal. We ask that this Appeal Letter be placed in the Administrative Record for the Commuter Shuttle Project, and that Appellants be provided with timely notice of the hearing date set for this Appeal. Admin. Code § 31.16(b)(4).

Sincerely,

Richard T. Drury
Christina M. Caro
Lozeau | Drury LLP

Enclosures

cc. Environmental Review Officer
(pursuant to SF Administrative Code § 31.16(b)(1))

EXHIBIT A

Brandt-Hawley Law Group

Chauvet House • PO Box 1659
Glen Ellen, California 95442
707.938.3900 • fax 707.938.3200
preservationlawyers.com

January 21, 2014

Tom Nolan, Chairman
and Members of the Board
San Francisco MTA
via email

Edward D. Reiskin
Director of Transportation
via email

Subject: *SFMTA Board Agenda Item 14*
Adopting Commuter Shuttle Policy and Pilot Program and Amending the Transportation Code

Dear Chairman Nolan, Members of the Board, and Director Reiskin,

I am writing on behalf of San Francisco resident Sara Short to request that this Board conduct environmental review as required by the California Environmental Quality Act before approving any commuter bus pilot program.

The pilot program being proposed to you relies on a "Class 6" categorical exemption from CEQA. That section allows "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded."

It is easy to understand the reason that CEQA provides a Class 6 exemption. Research and data collection, including "resource evaluation activities," are normally performed by professional staff and do not have environmental impacts. Studies simply provide data from which environmental decisions can be made.

This is different. There are environmental impacts associated with the current problematic commuter buses as well as with the pilot program itself. The complexity of the situation is reflected in the detailed proposed ordinance before you today that recites that it was developed by City staff in collaboration with the businesses that use the commuter buses.

The concerned public has been left out.

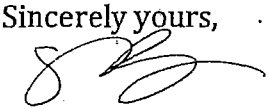
Approval of a pilot program that will impact the public and the San Francisco environment is being thrust upon City residents without opportunity for input. The materials before you mention that two alternate pilot programs were considered and rejected by staff. A public CEQA process should explore other possible scenarios that may have fewer environmental impacts -- before you approve a pilot program. The program itself requires analysis and mitigation and consideration of alternatives. This 18-month program appears designed to legitimize the current environmentally-destructive status quo.

What are the potentially significant environmental impacts of the pilot program? You have not been told, and the public has not been told. And because there is a "reasonable possibility" that the program may have significant impacts, categorical exemption is not allowed under CEQA Guideline section 15300.2 (c).

Please defer consideration of this pilot program pending CEQA review.

Thank you.

Sincerely yours,



Susan Brandt-Hawley

EXHIBIT B

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 14-023

WHEREAS, The use of shuttle buses for the purpose of providing commuter shuttle service for the benefit of employees, students and others is a growing means of sustainable transportation in San Francisco and the greater Bay Area; and,

WHEREAS, Shuttle bus service provides significant benefits to the community by replacing single occupant trips with more efficient transportation, contributing to a reduction in parking demand, and supporting the City's goal of having of 50 percent of all trips made by sustainable modes by 2018; and,

WHEREAS, Shuttle bus service currently operating in San Francisco reduces vehicle miles traveled (VMT) in the City by at least 45 million miles annually, and reduces greenhouse gas emissions for trips originating or ending in the City by 11,000 metric tons annually; and,

WHEREAS, The unregulated use of Muni stops by shuttle bus service providers has resulted in unintended adverse impacts, including delaying public transit service, increasing traffic congestion, diverting bicyclists from bicycle lanes into mixed-flow lanes, and diverting motor vehicle traffic into adjacent travel lanes, and preventing public transit vehicles from being able to access the curb in order to load and unload passengers; and

WHEREAS, The SFMTA's lack of complete information about shuttle bus operations, including routes, frequency of service and stops has been a barrier to resolving and preventing conflicts with shuttle service providers' operations, including adverse impacts on Muni service and increased traffic congestion; and

WHEREAS, Inconsistent or inaccurate identification of, and lack of contact information for, shuttle bus service providers has made it difficult for the SFMTA to effectively and timely communicate with shuttle bus service providers to prevent or resolve conflicts and makes enforcement of traffic and parking regulations difficult; and

WHEREAS, Regulation by the SFMTA of stop use by shuttle bus services to provide safe loading and unloading zones for those services, whose cumulative ridership is equivalent to that of a small transit system, is consistent with City's Transit First policy; and

WHEREAS, SFMTA has evaluated the impacts of shuttle service operations on Muni operations and other users of the transportation system and worked with shuttle sponsors and shuttle service providers to develop SFMTA's Commuter Shuttle Policy and Pilot Program to guide SFMTA's implementation and evaluation of a pilot program to authorize commuter shuttle buses to stop in designated Muni stops; and

WHEREAS, Pursuant to Charter Section 16.112, published notice was provided in the City's official newspaper for a five-day period beginning on January 10, 2014, that the Board of Directors will hold a public hearing on January 21, 2014, to consider implementing as an 18 month pilot, a permit program including a permit and use fee for shuttle buses authorized under the program to use designated Muni stops for loading and unloading passengers; and,

WHEREAS, On January 8, 2014, the SFMTA, under the authority delegated by the Planning Department, determined that the proposed Commuter Shuttle Policy and Pilot Program and Transportation Code amendments to implement an 18 month pilot program were exempt from environmental review pursuant to Title 14 of the California Code of Regulations Section 15306 as a Class 6 (Information Collection) categorical exemption, and on January 9, 2014, the City Planning Department issued a concurrence with SFMTA's determination; and,

WHEREAS. The proposed pilot program will provide the opportunity for SFMTA to gather information and collect data on the shuttle services' use of shared Muni stops and the effect of the program on transportation in the City that will help inform future implementation of regulations for shuttle services; and,

WHEREAS, A copy of the SFMTA's determination and the Planning Department's concurrence are on file in the office of the Secretary for the SFMTA Board of Directors, and this approval is the Approval Action as defined by San Francisco Administrative Code Chapter 31; and,

WHEREAS, On January 21, 2014, the SFMTA Board of Directors approved a motion to suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order regarding published notice for implementing as an 18 month pilot, a permit program including a permit and use fee for shuttle buses authorized under the program to use designated Muni stops for loading and unloading passengers; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors adopts the Commuter Shuttle Policy and Pilot Program; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends Transportation Code, Division II, to authorize establishing a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establishing a fee for such permits and penalties for permit violations.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 21, 2014.

R. Boomer

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code – Pilot Permit Program For Shuttle Buses Using Designated Muni Stops]

Resolution amending Division II of the Transportation Code to establish a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers, and establishing fees for such permits.

NOTE: Additions are single-underline Times New Roman; deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 900 of Division II of the Transportation Code is hereby amended by adding Section 914, to read as follows:

Sec. 914. SHUTTLE STOP PERMITS

(a) **Definitions**

As used in this Section 914, the following words and phrases shall have the following meanings:

Designated Stop. An SFMTA bus stop designated by SFMTA as a stop available for loading and/or unloading of passengers by Shuttle Service Providers that have been issued a Shuttle Permit under this Section 914.

Director. The Director of Transportation or his or her designee.

Shuttle Bus. A motor vehicle designed, used or maintained by or for a charter-party carrier of passengers, a passenger stage corporation, or any highway carrier of passengers required to register with the California Public Utilities Commission that is being operated in Shuttle Service.

Shuttle Permit. A permit issued by the SFMTA that authorizes a Shuttle Service Provider to load and/or unload passengers at specified Designated Stops in one or more Shuttle Buses.

Shuttle Placard. A placard issued by SFMTA that is visible from outside the Shuttle Bus at front and rear locations as specified by the SFMTA and that identifies the Shuttle Permit authorizing the Shuttle Bus to use Designated Stops.

Shuttle Service. Transportation by Private Buses offered for the exclusive or primary use of a discrete group or groups, such as clients, patients, students, paid or unpaid staff, visitors, and/or residents, between an organization or entity's facilities or between the organization or entity's facilities and other locations, on a regularly-scheduled basis.

Shuttle Service Provider. Any Person using Shuttle Buses to provide Shuttle Service within the City.

Stop Event. An instance of stopping by a Shuttle Bus at a Designated Stop for the purpose of loading and/or unloading passengers.

(b) **Findings.**

(1) The use of Shuttle Buses for the purpose of providing Shuttle Service is a growing means of transportation in San Francisco and the greater Bay Area.

(2) Shuttle Service provides significant benefits to the community by replacing single occupant trips with more efficient transportation, contributing to a reduction in parking demand, and supporting the City's goal of having of 50 percent of all trips made by sustainable modes by 2018.

(3) Shuttle Service currently operating in San Francisco reduces vehicle miles traveled (VMT) in the City by at least 45 million miles annually, and reduces greenhouse gas emissions from trips originating or ending in the City by 11,000 metric tons annually.

(4) Unregulated use of Muni stops by Shuttle Service Providers has resulted in unintended adverse impacts, including delaying transit bus service, increasing traffic congestion, diverting bicyclists from bicycle lanes into mixed-flow lanes, and diverting motor vehicle traffic into adjacent travel lanes, and preventing transit buses from being able to access the curb in order to load and unload passengers.

(5) The SFMTA's lack of complete information about Shuttle Service operations, including routes, frequency of service and stops has been a barrier to resolving and preventing conflicts with Shuttle Service Providers' operations, including adverse impacts on Muni service and increased traffic congestion.

(6) Inconsistent or inaccurate identification of, and lack of contact information for, Shuttle Service Providers has made it difficult for the SFMTA to effectively and timely communicate with Shuttle Service Providers to prevent or resolve conflicts and makes enforcement of traffic and parking regulations difficult.

(7) Regulation by the SFMTA of stop use by Shuttle Services to provide safe loading and unloading zones for Shuttle Services, whose cumulative ridership is equivalent to that of a small transit system, is consistent with City's Transit First policy.

(8) The pilot program established under this Section 914 is intended to enable SFMTA to evaluate whether shared use of Muni stops by Shuttle Buses is consistent with efficient operation of the City's public transit system.

(c) **General Permit Program Requirements.**

(1) The Director is authorized to implement a pilot program for the issuance of Shuttle Permits beginning on a date designated by the Director. The duration of the pilot program shall not exceed 18 months from the date of commencement designated by the Director.

(2) The Director may issue a Shuttle Permit for the use of Designated Stops upon receipt of an application from a Shuttle Service Provider on a form prescribed by the SFMTA which application meets the requirements of this Section 914.

(3) The Shuttle Permit shall authorize the Shuttle Service Provider to receive a specified number of Shuttle Placards issued by SFMTA.

(4) The Director is authorized to establish up to 200 Designated Stops for the purposes of this pilot program. The Director may establish additional Designated Stops following a public hearing.

(d) **Application Requirements.** Each application for a permit or renewal of a permit shall contain the following information:

(1) The name, business location, telephone number, fax number and email address of the Shuttle Service Provider;

(2) The name, title and contact information of one or more persons representing the Shuttle Service Provider to be notified by SFMTA in the event of a problem or permit violation relating to the Permittee's Shuttle Service;

(3) The total number of Shuttle Buses the Shuttle Service Provider intends to use to deliver Shuttle Service using Designated Stops, and the make, passenger capacity and license plate number of each of its Shuttle Buses that would be authorized, when bearing a Shuttle Placard, to use one or more Designated Stops;

(4) The total number of Shuttle Placards requested;

(5) The number of shuttle routes for which the permit applicant is proposing to provide Shuttle Service, including the frequency of service on each route, the neighborhoods served by each route, the origin and terminus of each route, and the frequency of Shuttle Service on each route. In lieu of a map, the permit applicant may provide a narrative statement describing the routes. The applicant need only identify the route to the extent that it lies within the City. Where the point of origin or termination is outside of the City, the applicant need only provide the county in which the point of origin or termination is located;

(6) A list of the Designated Stops the permit applicant proposes to use on each shuttle route, along with the proposed frequency of use of each Designated Stop per day, resulting in a calculation of the total number of Stop Events per day at Designated Stops; and

(7) Documentation of the Applicant's registration status with the California Public Utilities Commission ("CPUC"), including any Charter Party Carrier ("TCP") authorization or permits, or registration as a private carrier of passengers, and documentation that the Applicant maintains insurance in compliance with the applicable requirements imposed by the CPUC.

(e) **Permit Issuance.** After evaluating an applicant's permit application, the Director shall grant the Permit as requested, or grant the Permit with modifications, or deny the Permit. Where the Permit is granted with modifications or denied, the notice shall explain the basis for the Director's decision. The Director may issue procedures for reviewing the Director's decision upon request of the permit applicant.

(f) **Permit Terms and Conditions.** The Director shall establish terms and conditions for Permits. In addition to any other requirements imposed by the Director, Permits shall include the following terms:

(1) Any Shuttle Bus being operated in Shuttle Service shall be listed on the permit application and shall display a valid SFMTA-issued Shuttle Placard visible from outside the Shuttle Bus at front and rear locations on the Shuttle Bus as specified by the SFMTA, at all times such vehicle is being operated in Shuttle Service in the City. Shuttle Placards may be transferred between any Shuttle Buses in the Shuttle Service Provider's fleet that are listed on the Permit.

(2) A Shuttle Bus bearing valid Shuttle Placards shall be allowed to stop at any Designated Stop subject to the following conditions:

(A) The Shuttle Bus shall give priority to any transit buses that are approaching or departing a Designated Stop;

(B) The Shuttle Bus shall not stop at any Muni stops other than Designated Stops;

(C) The Shuttle Bus shall use Designated Stops only for active loading or unloading of passengers, and such loading and unloading shall be conducted as quickly as possible without compromising the safety of passengers, pedestrians, bicyclists or other motorists;

(D) Loading and unloading of passengers shall not take place in, or impede travel in, a lane of traffic or bicycle lane.

(3) A Shuttle Permit and Shuttle Placard shall not exempt a Shuttle Bus from any other Parking restrictions or traffic regulations except as authorized by this Section 914, and a Shuttle Bus stopping or parking at any Muni stop, including a Designated Stop, in violation of the terms and conditions set forth in this Subsection (f) may be cited for violation of California Vehicle Code Section 22500(i).

(4) The Permittee shall comply with all applicable federal, state and local laws, including this Code, the California Vehicle Code and CPUC requirements, including those for registration, insurance, vehicle inspection and regulation of drivers;

(5) The Permittee shall equip each Shuttle Bus with an on-board device capable of providing real-time location data to the SFMTA in accordance with specifications issued by the Director, and shall maintain a continuous feed of the specified data at all times when the Shuttle Bus is being used to provide Shuttle Service within the City. The Permittee shall begin providing a continuous feed of such data to the SFMTA on the first day that the Permittee begins providing Shuttle Service under the Permit unless the Director establishes an alternate date. Notwithstanding the foregoing requirements stated in this subsection (f)(5), if the Permittee is unable to provide the required data in accordance with specifications issued by the Director, the Permittee shall install an on-board device (OBD) prescribed by the SFMTA in each Shuttle Bus. The SFMTA shall not be responsible for any equipment, or for the failure of any equipment, installed inside any Shuttle Bus for any reason, including for the purpose of complying with this Section 914. If a Shuttle Bus becomes unable to provide the required data for any reason, Permittee shall not operate that Shuttle Bus in Shuttle Service without first notifying SFMTA of the identity of the bus, the route affected and the time at which Permittee expects the data transmission to be restored. To facilitate SFMTA's

monitoring of Shuttle Bus operations, the Director may issue regulations limiting the duration that a Shuttle Bus may operate in Shuttle Service without being able to provide the required data.

(6) The Permittee shall, in a timely manner and as otherwise required by law, pay all traffic and parking citations issued to its Shuttle Buses in the course of providing Shuttle Service, subject to the Permittee's right under applicable law to contest such citations.

(7) Where the Director determines that the continued use of a particular Shuttle Bus listed on a Shuttle Provider's permit application would constitute a risk to public safety, the Director shall notify the Shuttle Provider in writing, and said Shuttle Bus shall immediately be ineligible to use any Designated Stops unless and until the Shuttle Provider has proven to the satisfaction of the Director that the Shuttle Bus no longer constitutes a risk to public safety.

(g) **Duration of Shuttle Permit.** Shuttle Permits initially issued under this Section shall expire six months from the date of commencement of the pilot program designated by the Director pursuant to subsection (c)(1), unless a shorter term is requested by the Permittee, the Permit is revoked, or the Director for good cause finds a shorter term is warranted. Permits issued or renewed on or after that six months' date shall expire 18 months from the date of program commencement, unless a shorter term is requested by the Permittee, the Permit is revoked or the Director for good cause finds a shorter term is required.

(h) **Fees.**

(1) Shuttle Service Providers shall pay a Designated Stop use and permit fee as set forth below. The fee is intended to cover the cost to SFMTA of permit program implementation, administration enforcement and evaluation. The Designated Stop use fee component shall be determined by multiplying the total number of anticipated daily Stop Events stated in the permit application by the per stop fee set forth below. The Director is authorized, in his or her discretion, to impose pro-rated Designated Stop use fees where a Shuttle Service Provider applies for a permit or permit modification following date of commencement of the pilot program.

(2) The Designated Stop use and permit fees shall be $1 per Stop Event.

(3) Permittees shall be billed for the Designated Stop use and permit fee upon issuance or renewal of the Permit. The Designated Stop use and permit fee shall be due and payable within 30 days from the date of invoice. Fees remaining unpaid 30 days after the date of invoice shall be subject to a 10 percent penalty plus interest at the rate of one percent per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

(4) SFMTA shall reconcile the number of Stop Events for each Shuttle Service Provider against the actual stop data provided to the SFMTA on a semi-annual basis, but reserves the right to conduct such reconciliation on a more frequent basis if necessary. Where the SFMTA determines that a Shuttle Service Provider has used Designated Stops more frequently than authorized under the Provider's Permit, the Provider shall pay the additional Designated Stop use fee due. Where SFMTA determines that the Permittee's use of Designated Stops exceeds the authorized number of daily Stop Events by 10 percent or more, the Provider shall pay the additional Designated Stop use fee due, plus a 10 percent penalty. All such fees shall be due within 30 days from the date of invoice. Fees remaining unpaid after that date shall be subject to interest at the rate of one percent per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

(i) **Grounds for suspension or revocation:**

(1) The Director may suspend or revoke a permit issued under this Section 914 upon written notice of revocation and opportunity for hearing. The Director is authorized to promulgate hearing and review procedures for permit suspension and revocation proceedings. Upon revocation or suspension, the Shuttle Service Provider shall surrender such Permit and the Shuttle Placards authorized under the Permit in accordance with the instructions in the notice of suspension or revocation.

(2) Where the Director determines that public safety is at risk, or where the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public

Utilities Code or the California Vehicle Code, the Director is authorized to suspend a permit issued under this Section 914 immediately upon written notice of suspension to the Permittee, provided that the Director shall provide the Permittee with the opportunity for a hearing on the suspension within five business days of the date of notice of suspension.

(3) A permit issued under this Section 914 may be suspended or revoked under this paragraph following the Director's determination after an opportunity for hearing that:

(A) the Permittee has failed to abide by any permit condition;

(B) the Permittee knowingly or intentionally provided false or inaccurate information on a permit application;

(C) one or more of Permittee's Shuttle Buses have, in the course of providing Shuttle Service, repeatedly and egregiously violated parking or traffic laws;

(D) the Permittee's continued operation as a Shuttle Service Provider would constitute a public safety risk; or

(E) the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public Utilities Code or the California Vehicle Code.

(j) **Administrative Penalties.**

(1) This Section shall govern the imposition, assessment and collection of administrative penalties imposed for violations of permit conditions set forth under Subsection 914(f).

(2) The SFMTA Board of Directors finds:

(A) That it is in the best interest of the City, its residents, visitors and those who travel on City streets to provide an administrative penalty mechanism for enforcement of Shuttle Bus permit conditions; and

(B) That the administrative penalty scheme established by this section is intended to compensate the public for the injury or damage caused by Shuttle Buses being operated in violation of the permit conditions set forth under Subsection 914(f). The administrative penalties authorized

under this section are intended to be reasonable and not disproportionate to the damage or injury to the City and the public caused by the prohibited conduct.

(C) The procedures set forth in this Section are adopted pursuant to Government Code Section 53069.4 which governs the imposition, enforcement, collection, and administrative review of administrative citations and fines by local agencies, and pursuant to the City's home rule power over its municipal affairs.

(3) Any Service Provider that is operating a Shuttle Bus in violation of the permit conditions set forth under Subsection 914(f) may be subject to the issuance of a citation and imposition of an administrative penalty under this Subsection 914(j).

(4) Administrative penalties may not exceed $250 for each violation. In determining the amount of the penalty, the officer or employee who issued the citation may take any or all of the following factors into consideration:

(A) The duration of the violation;

(B) The frequency, recurrence and number of violations by the same violator;

(C) The seriousness of the violation;

(D) The good faith efforts of the violator to correct the violation;

(E) The economic impact of the fine on the violator;

(F) The injury or damage, if any, suffered by any member of the public;

(G) The impact of the violation on the community;

(H) The amount of City staff time expended investigating or addressing the violation;

(I) The amount of fines imposed by the charging official in similar situations;

(J) Such other factors as justice may require.

(5) The Director of Transportation is authorized to designate officers or employees of the Municipal Transportation Agency to issue citations imposing administrative penalties for violations

of the permit conditions set forth in Subsection 914(f), hereafter referred to as the "Charging Official."

(6) Administrative Citation. A Charging Official who determines that there has been a violation of the permit conditions set forth in Subsection 914(f), may issue an administrative citation to the Shuttle Service Provider permitted under this Section 914. The Charging Official shall either serve the citation personally on the Shuttle Service Provider or serve it by certified U.S. mail sent to the address indicated on the Shuttle Service Provider's permit application.

(7) The citation shall contain the following information: the name of the person or entity cited; the date, time, address or location and nature of the violation; the date the citation is issued; the name and signature of the Charging Official; the amount of the administrative penalty, acceptable forms of payment of the penalty; and that the penalty is due and payable to the SFMTA within 15 business days from (A) the date of issuance of the citation if served personally, or (B) the date of receipt of the citation if served by certified U.S. Mail. The citation shall also state that the person or entity cited that it has the right to appeal the citation, as provided in Subsection 914(j).

(8) Request for Hearing; Hearing.

(A) A person or entity may appeal the issuance of a citation by filing a written request with the SFMTA Hearing Division within 15 business days from (i) the date of the issuance of a citation that is served personally or (ii) the date of receipt if the citation is served by certified U.S. Mail. The failure of the person or entity cited to appeal the citation shall constitute a failure to exhaust administrative remedies and shall preclude the person or entity cited from obtaining judicial review of the validity of the citation.

(B) At the time that the appeal is filed, the appellant must deposit with the SFMTA Hearing Division the full amount of the penalty required under the citation.

(C) The SFMTA Hearing Division shall take the following actions within 10 days of receiving an appeal: appoint a hearing officer, set a date for the hearing, which date shall be no less

than 10 and no more than 60 days from the date that the appeal was filed, and send written notice of the hearing date to the appellant and the Charging Official.

(D) Upon receiving notice that the SFMTA Hearing Division has scheduled a hearing on an appeal, the Charging Official shall, within three City business days, serve the hearing officer with records, materials, photographs, and other evidence supporting the citation. The hearing officer may grant a request to allow later service and may find good cause to continue the hearing because of the delay.

(E) The hearing officer shall conduct all appeal hearings under this Chapter and shall be responsible for deciding all matters relating to the hearing procedures not otherwise specified in this Section. The Charging Official shall have the burden of proof in the hearing. The hearing officer may continue the hearing at his or her own initiative or at the request of either party, and may request additional information from either party to the proceeding. The hearing need not be conducted according to technical rules of evidence and witnesses. Any relevant evidence is admissible if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

(F) The following provisions shall also apply to the appeal procedure:

(i) A citation that complies with the requirements of Section 914(j)(7) and any additional evidence submitted by the Charging Official shall be prima facie evidence of the facts contained therein;

(ii) The appellant shall be given the opportunity to present evidence concerning the citation; and

(iii) The hearing officer may accept testimony by declaration under penalty of perjury relating to the citation from any party if he or she determines it appropriate to do so.

(iv) After considering all of the testimony and evidence submitted by the parties, the hearing officer shall issue a written decision upholding, modifying or vacating the citation and shall set forth the reasons for the determination. This shall be a final administrative determination.

(v) If the hearing officer upholds the citation, the hearing officer shall inform the appellant of its right to seek judicial review pursuant to California Government Code Section 53069.4. If the citation is upheld the City shall retain the amount of the fine that the appellant deposited with the City.

(vi) If the hearing officer vacates the citation, the City shall promptly refund the deposit. If the hearing officer partially vacates the citation, the City shall promptly refund that amount of the deposit that corresponds to the hearing officer's determination. The refund shall include interest at the average rate earned on the City's portfolio for the period of time that the City held the deposit as determined by the Controller.

(G) Any person aggrieved by the action of the hearing officer taken pursuant to this Chapter may obtain review of the administrative decision by filing a petition for review in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

(H) If a final order of a court of competent jurisdiction determines that the SFMTA has not properly imposed a fine pursuant to the provisions of this Section, and if the fine has been deposited with the SFMTA as required by Section 914(j)(8)(B), the SFMTA shall promptly refund the amount of the deposited fine, consistent with the court's determination, together with interest at the average rate earned on the City's portfolio.

(9) Administrative penalties shall be deposited in the Municipal Transportation Fund and may be expended only by the SFMTA.

Section 2. Effective Date. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance

Section 3. Scope of Ordinance. In enacting this ordinance, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
DAVID A. GREENBURG
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 21, 2014.

R. Boomer
_____
Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

February 25, 2014

Richard T. Drury and Christina M. Caro
On behalf of Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club, Service Employees International Union Local Union 1021, and San Francisco League of Pissed-Off Voters
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Subject: Appeal of San Francisco Municipal Transportation Agency (SFMTA) Resolution No. 14-023, California Environmental Quality Act Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program, amending Transportation Code, Division II, and Approval of Motion to Suspend the SFMTA Board of Directors Rules of Order, Article 4, Section 10, Regarding Published Notice (January 21, 2014)

Dear Appellants:

The Office of the Clerk of the Board is in receipt of a memorandum dated February 24, 2014, (copy attached) from the Planning Department regarding the timely filing of the appeal concerning the San Francisco Municipal Transportation Agency (SFMTA) Commuter Shuttle Policy and Pilot Program and proposed amendments to Transportation Code, Division II, to authorize establishing a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers, and establishing a fee for such permits and penalties for permit violations.

The Planning Department has determined that the appeal was filed in a timely manner.

A hearing date has been scheduled on **Tuesday, April 1, 2014, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco.

Pursuant to Administrative Code, Chapter 31, CEQA Procedures for Appeal of Exemption Determinations, please provide to the Clerk's Office **by**:

11 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing;
20 days prior to the hearing: names and addresses of interested parties to be notified of the hearing.

Please provide 1 electronic file (sent to BOS.Legislation@sfgov.org) and 18 hard copies of the documentation for distribution, and, if possible, names and addresses of interested parties to be notified in label format.

If you have any questions, please feel free to contact Legislative Deputy Director, Rick Caldeira at (415) 554-7711 or Legislative Clerks, Joy Lamug at (415) 554-7712 /John Carroll at (415) 554-4445.

Very truly yours,

Angela Calvillo
Clerk of the Board

c: Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Sarah Jones, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Nannie Turrell, Planning Department
Jeanie Poling, Planning Department
Jonas Ionin, Planning Commission Secretary
Carli Paine, Municipal Transportation Agency
Roberta Boomer, Municipal Transportation Agency
Katie Angotti, Budget and Legislative Analyst's Office

SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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San Francisco,
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Reception:
415.558.6378

Fax:
415.558.6409

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Information:
415.558.6377

DATE: February 24, 2014

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Sarah B. Jones, Environmental Review Officer

RE: Appeal timeliness determination – SFMTA Resolution No. 14-023

An appeal of the categorical exemption for the SFMTA Resolution No. 14-023 Commuter Shuttle Policy and Pilot Program was filed with the Office of the Clerk of the Board on February 19, 2014, by Richard T. Drury and Christina M. Caro on behalf of Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club, Service Employees International Union Local Union 1021, and San Francisco League of Pissed-Off Voters.

Timeline: The Categorical Exemption was issued on January 9, 2014. The exemption identified the Approval Action for the project as a hearing before the SFMTA Board of Directors, in accordance with Chapter 31 of the San Francisco Administrative Code, which occurred on January 21, 2014 (Date of the Approval Action).

Timeliness Determination: Section 31.16(a) and (e) of the San Francisco Administrative Code states that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action.

The appeal of the exemption determination was filed on February 19, 2014, which is 30 days after the Date of the Approval Action and is within the time frame specified above. Therefore the appeal is considered timely.

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

February 20, 2014

To: John Rahaim
Planning Director

From: Rick Caldeira
Legislative Deputy Director

Subject: Appeal of San Francisco Municipal Transportation Agency (SFMTA) Resolution No. 14-023, California Environmental Quality Act Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program, amending Transportation Code, Division II, and Approval of Motion to Suspend the SFMTA Board of Directors Rules of Order, Article 4, Section 10, Regarding Published Notice (January 21, 2014)

An Appeal of San Francisco Municipal Transportation Agency (SFMTA) Resolution No. 14-023, California Environmental Quality Act (CEQA) Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program, amending Transportation Code, Division II, and approval of motion to suspend the SFMTA Board of Directors Rules of Order, Article 4, Section 10, regarding published notice (January 21, 2014), was filed with the Office of the Clerk of the Board on February 19, 2014, by Richard T. Drury and Christine M. Caro, on behalf of Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club, Service Employees International Union Local Union 1021, and San Francisco League of Pissed-Off Voters.

Pursuant to Administrative Code, Chapter 31, CEQA Procedures for Appeal of Exemption Determinations, I am forwarding this appeal, with attached documents, to the Planning Department's Office to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, you can contact me at (415) 554-7711.

c: Angela Calvillo, Clerk of the Board
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Sarah B. Jones, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Nannie Turrell, Planning Department
Jonas Ionin, Planning Department
Carli Paine, San Francisco Municipal Transportation Agency
Roberta Boomer, San Francisco Municipal Transportation Agency
Katie Angotti, Budget and Legislative Analyst's Office

SAN FRANCISCO
PLANNING DEPARTMENT

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Notice of Electronic Transmittal

Planning Department Response to the Appeal of the Categorical Exemption for the SFMTA Commuter Shuttle Policy and Pilot Program

DATE:	March 24, 2014
TO:	Angela Calvillo, Clerk of the Board of Supervisors
FROM:	Sarah B. Jones, Environmental Review Officer – (415) 575-9034
	Jeanie Poling, Case Planner – Planning Department – (415) 575-9072
RE:	Appeal of Categorical Exemption for SFMTA Commuter Shuttle Policy and Pilot Program (Planning Case No. 2013.1591E)
HEARING DATE:	April 1, 2014

In compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents," the Planning Department submits a multi-page response to the Appeal of the Categorical Exemption for SFMTA Resolution No. 14-023 – the SFMTA Commuter Shuttle Policy and Pilot Program in digital format (attached). A hard copy of the response is available from the Clerk of the Board. Additional hard copies may be requested by contacting Jeanie Poling of the Planning Department at 575-9072 or jeanie.poling@sfgov.org.

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Notice of Transmittal

Planning Department Response to the Appeal of the Categorical Exemption for the SFMTA Commuter Shuttle Policy and Pilot Program

DATE:	March 24, 2014
TO:	Angela Calvillo, Clerk of the Board of Supervisors
FROM:	Sarah B. Jones, Environmental Review Officer – (415) 575-9034
	Jeanie Poling, Case Planner – Planning Department – (415) 575-9072
RE:	Appeal of Categorical Exemption for SFMTA Commuter Shuttle Policy and Pilot Program (Planning Case No. 2013.1591E)
HEARING DATE:	April 1, 2014

Per the request of Joy Lamug, the Planning Department submits 18 hard copies of the response to the Appeal of the Categorical Exemption for SFMTA Resolution No. 14-023 – the SFMTA Commuter Shuttle Policy and Pilot Program. The electronic file was submitted to BOS.Legilsation@sfgov.org at 11:01 AM today. Additional hard copies may be requested by contacting Jeanie Poling of the Planning Department at 575-9072 or jeanie.poling@sfgov.org.

SAN FRANCISCO
PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 MAR 24 AM 11: 20

MEMO

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Categorical Exemption Appeal

SFMTA Commuter Shuttle Policy and Pilot Program

DATE:	March 24, 2014
TO:	Angela Calvillo, Clerk of the Board of Supervisors
FROM:	Sarah B. Jones, Environmental Review Officer – (415) 558-9048 Jeanie Poling Environmental Planner – (415) 575-9072
RE:	SFMTA Resolution No. 14-023 [Planning Case No. 2013.1591E] Appeal of Categorical Exemption for Commuter Shuttle Policy and Pilot Program
HEARING DATE:	April 1, 2014
ATTACHMENTS:	A – CEQA Categorical Exemption Determination B – SFMTA Resolution 14-023 C – Appeal Letter

PROJECT SPONSOR:	Jerry Robbins, San Francisco Municipal Transportation Agency (SFMTA), Transportation Planning Manager
APPELLANT:	Richard T. Drury and Christina M. Caro, of Lozeau Drury LLP, representing: Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club; Service Employees International Union Local Union 1021; and the San Francisco League of Pissed Off Voters.

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a Categorical Exemption under the California Environmental Quality Act ("CEQA") for the proposed San Francisco Municipal Transportation Agency's ("SFMTA") Commuter Shuttle Policy and Pilot Program (the "Project").

The Department, pursuant to the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300–15387), issued a Categorical Exemption for the Project on January 10, 2014 finding that the proposed Project is exempt from CEQA as a Class 6 Categorical Exemption. The Class 6 exemption applies to information gathering and data collection projects, and is described in further detail below.

The decision before the Board is whether to uphold the Department's decision to issue a Categorical Exemption and deny the Appeal, or to overturn the Department's decision to issue a Categorical Exemption and return the project to the Department staff for additional environmental review.

PROJECT DESCRIPTION

Existing Conditions

Commuter shuttle services that use Muni bus stops and passenger loading zones for passenger loading and unloading are not currently regulated by SFMTA. There are approximately 200 locations throughout the City that the shuttle providers use, many of which are Muni bus stops. As of August 2013, SFMTA identified 48 known shuttle providers operating about 350 shuttle vehicles on an average weekday, representing approximately 35,000 boardings, mostly during morning and evening peak hours. Commuter shuttles include both 29 known intra-city services (e.g. UCSF) and 19 known regional services (e.g. Genentech, Google). Currently, unregulated use of Muni stops by shuttle service providers causes delays to Muni service by preventing Muni buses from being able to access the curb to load and unload passengers, as well as safety concerns and other vehicle delays. Overall, the commuter shuttles supplement SFMTA by providing services targeted to specific users' needs, and benefit the City and the region by reducing vehicle trips and vehicle miles traveled (VMT). However, SFMTA's lack of information about the commuter shuttle services' routes, frequency, stops, and contact information makes it difficult for SFMTA to gather the necessary information to define the specific components of an effective, appropriate regulation program.

Proposed Commuter Shuttle Policy and Pilot Program

The Project would entail initiation of an 18-month pilot program in which SFMTA would gather data about commuter shuttle activities that would inform any future proposed program intended to regulate commuter shuttles. The program would operate as follows: SFMTA would solicit permit applications from shuttle providers and would select approximately 200 Muni stops for shared use. Use of shared stops would be limited to permitted vehicles, which would be subject to regulations and procedures for loading and unloading at the stops. Permitted vehicles would be designated via stickers/signage and would be outfitted with GPS information transponders allowing SFMTA to track the location and stop times of the vehicles.

SFMTA proposes to track shuttle GPS feeds, enforcement reports, 311 complaints and requests, field observations, citations, and other communications. Based on the resulting understanding of complaints about shuttle activities, shuttle-related conflicts, violations of operating guidelines, and citations, as well evaluation of the program's structure and costs, SFMTA would have more complete information to define a long-term program to administer shuttles and incorporate them appropriately into the City's transportation system.

The Project would also establish fees for such permits and penalties for permit violations. Under the California Constitution, the fees may not exceed the operating cost of the program.

The Project would operate over a limited time period (18 months), at which time the MTA would decide whether to implement a permanent program for commuter shuttles and would determine what form that program would take. Any further approvals of a permanent program would also undergo the appropriate environmental review.

BACKGROUND

On January 7, 2014, Jerry Robbins, SFMTA Transportation Planning Manager (hereinafter "Project Sponsor") filed an application with the Department for a determination under CEQA , for an 18-month pilot project to allow private commuter shuttles to use selected Muni bus stops for passenger pick-up and drop-off.

On January 10, 2014, the Department determined that the Project was categorically exempt under CEQA Class 6 – Information Collection, and that no further environmental review was required.

On January 21, 2014, the SFMTA Board of Directors (hereinafter the "SFMTA Board") conducted a duly noticed public hearing at a regularly scheduled meeting. The SFMTA Board adopted the Commuter Shuttle Policy and Pilot Program and amended Transportation Code, Division II, to authorize establishing a permit pilot program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establishing a fee for such permits and penalties for permit violations.

On February 19, 2014, an appeal of the Categorical Exemption Determination was filed by Richard T. Drury and Christina M. Caro, of Lozeau Drury LLP on behalf of: Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club; Service Employees International Union Local Union 1021; and the San Francisco League of Pissed Off Voters.

On February 23, 2014, in a letter to the Clerk of the Board of Supervisors, the Environmental Review Officer found that the appeal of the Categorical Exemption Determination was ripe, because an approval action (Resolution No. 14-023 approved by the SFMTA Board on January 21, 2014) had been taken for the project.

CEQA GUIDELINES

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review. In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333, do not have a significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

CEQA State Guidelines Section 15306 (Information Collection), or Class 6, consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

Sample pilot projects that have been exempted under Class 6 and are currently underway:

- The 5 Fulton Limited TEP and the Church Street transit lane TEP pilot projects
- The removal of a vehicle traffic lane on Folsom Street between 4th to 11th Streets; and
- The Bicycle Sharing Pilot Project.

Sample projects that were first exempted as Class 6 pilot projects before being approved as permanent projects:

- A Market Street traffic diversion project that requires right turns along eastbound Market Street east of Van Ness Avenue (pilot project exempted in November 2009, extended in March 2010, and the permanent project exempted and approved in October 2010);
- The prohibition of vehicle traffic along the eastern portion of JFK Drive in Golden Gate Park on Saturdays (pilot project exempted in April 2006, extended in March 2007, and the permanent project exempted and approved in November 2007);
- The closure of Mason Street between Columbus Avenue and Lombard Street for the North Beach Library and Playground project (pilot exempted in July 2009, and the permanent project evaluated and approved in April 2011); and
- The removal of a tow-away lane on the east side of 6th Street between Folsom and Market Streets (pilot project exempted in August 2011, and the permanent project exempted and approved in September 2012).

A sample pilot project that was exempted as Class 6 and determined not effective:

- A trial project to reduce congestion on eastbound Market Street at New Montgomery Street (pilot program exempted in August 2011), which tested enforcement and signal modifications to reduce conflicts between pedestrians and vehicles turning right from eastbound Market Street onto southbound New Montgomery. The program was found only moderately effective, and SFMTA is instead pursuing other longer-range strategies to reduce eastbound traffic on Market Street.

These sample pilot projects demonstrate that Class 6 exemption is appropriately used to gather information and formulate policy that improves the environment for pedestrians, bicyclists, and transit user in San Francisco.

CEQA Guidelines Section 15300.2(a) states that exemption is qualified by consideration of where the project is to be located; a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Such exemptions include hazardous and critical concerns that are designated, precisely mapped, or officially adopted pursuant to law by federal, state, or local agencies.

In determining the significance of environmental effects caused by a project, CEQA Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA State Guidelines 15604(f)(5) offers

the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the February 19, 2014 appeal letter are cited below and are followed by the Department's responses.

Appeal Issue 1: The appellant states that there is a fair argument that the Commuter Shuttle Policy and Pilot Program could have significant effects on the environment. "Appellants urge the Board of Supervisors to reverse the Approval Actions by SFMTA for the Project on the grounds that the Project is not exempt from the requirements of the California Environmental Quality Act, Pub. Res. Code §§21000 et seq. ('CEQA'), and in particular is not subject to a categorical exemption under CEQA Guidelines Section 15306 because there is a fair argument that the Project will have significant environmental impacts that the City has failed to analyze and mitigate. These include impacts on the residents of San Francisco and surrounding municipalities and counties, including Appellant members. Appellants, and indeed all San Franciscans and Californians, deserve the best, most sustainable Commuter Shuttle Project possible under CEQA and local law.

Response 1 – The Appellant has not provided a fair argument demonstrating reasonably foreseeable significant impacts under CEQA: In determining the significance of environmental effects caused by a project, CEQA Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA Guidelines 15604(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

If a fair argument can be raised on the basis of "substantial evidence" in the record that the project may have a significant adverse environmental impact – even if evidence also exists to the contrary – then an EIR is required. A Categorical Exemption is authorized when the Lead Agency determines that no substantial evidence exists supporting a fair argument of significant effect. No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the Project has been presented by the Appellant that would warrant preparation of further environmental review.

The Appellant has made no demonstrable connection between commuter shuttles and any direct or indirect physical impacts. Moreover, the Appellant has not identified any potential impacts connected to the Project with respect to change from existing conditions. The Project would initiate regulation of the existing commuter shuttles for the purpose of gathering data to inform a system that would better integrate commuter shuttles in the City's transportation system, and the appellant has identified no direct or indirect physical impacts attributable to this Project itself.

Pursuant to CEQA, the Department analyzed the Project as proposed and determined that the Project would not result in a significant impact on the environment and a Categorical Exemption is appropriate.

Appeal Issue 2: The Appellant states that the Project would result in significant impacts related to air quality, transportation, housing, growth inducement, and displacement. "Under these principles, there is no CEQA exemption that can reasonably apply to the Commuter Shuttle Project because there is a fair argument that the Project will result in significant environmental impacts, including air pollution, the displacement of people and housing, and the displacement of low income communities and communities of color that live, work, and commute in the areas proposed for Commuter Shuttle activities.

"CEQA requires the lead agency to determine whether the 'environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly,' (PRC § 21083(b)(3), (d)), and to 'take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.' See PRC §21000 et seq. Specifically, CEQA Guidelines Appendix G, Section XII provides that a project will have significant impacts where it will:

- Induce substantial population growth or concentration of population in an area, either directly (for example, by proposing new housing or businesses), or indirectly (for example, through extension of roads or other infrastructure);
- Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere; or
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. See CEQA Guidelines Appendix G, Section XII.

"Here, the Commuter Shuttle Project is likely to displace numerous residents and commuters who currently live, work, commute, and recreate in the areas proposed for the Commuter Shuttle stops, and replace them with workers from the private technical companies sponsoring the shuttles, who are wealthier and less likely to come from communities of color. For the same reasons, the Project also violates Gov. Code 11135, which prohibits any government support for programs that have a discriminatory impact. See Kalama D. Harris, Attorney General, 'Environmental Justice at the Local and Regional Level,' May 8, 2012, available at
http://oag.ca.gov/sites/all/files/pdfs/environment/ej_fact_sheet_final_050712.pdf."

Response 2 – The project would not result in air quality, transportation, or population impacts: As noted above, commuter shuttles are currently using Muni stops and other stops for passenger loading and unloading. There are approximately 200 locations throughout the City that the shuttle providers use, many of which are Muni bus stops. As of August 2013, SFMTA identified 48 known shuttle providers operating about 350 shuttle vehicles on an average weekday, representing approximately 35,000 boardings, mostly during morning and evening peak hours. Thus, the commuter shuttles are part of the existing environment, and potential impacts from the Project must be compared against this baseline condition.

The Department's Initial Study Checklist, which is based on Appendix G of the CEQA Guidelines, indicates that assessments of significant impacts on air quality should consider whether the Project would: a) Conflict with or obstruct implementation of the applicable air quality plan; b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation; c) result in a cumulatively considerable net increase in any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors); d) Expose sensitive receptors to substantial pollutant concentrations; or e) Create objectionable odors affecting a substantial number of people. The proposed pilot program would not result in any of these conditions because the Project entails basic data collection, research, experimental management, and resource evaluation over a limited time period, on the already existing commuter shuttle services, in order to potentially formalize and regulate them in the future, depending upon the results of the data collected. The Project would not change the existing physical environment which would result in new air quality impacts.

The Initial Study Checklist also indicates that assessments of significant impacts on transportation and circulation should consider whether the Project would: a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system; b) Conflict with an applicable congestion management program; c) Result in a change in air traffic patterns; d) Substantially increase hazards due to a design feature; e) Result in inadequate emergency access; or f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. The proposed pilot program would not result in any of these conditions because the Project entails basic data collection, research, experimental management, and resource evaluation over a limited time period, on the already existing commuter shuttle services, in order to potentially formalize and regulate them in the future, depending upon the results of the data and information collected. The Project would not change the existing physical environment which would result in new transportation impacts.

Further, the Initial Study Checklist indicates that assessments of significant impacts on population and housing should consider whether the Project would: a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; or c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. The proposed pilot program would not result in any of these impacts because the Project entails basic data collection, research, experimental management, and resource evaluation over a limited time period, on the already existing commuter shuttle services, in order to potentially formalize and regulate them in the future, depending upon the results of the data and information collected. The Project would not change the existing physical environment which would result in new population or housing impacts.

The income level, job status and ethnic makeup of the residents of housing units near commuter shuttle stops would be considered a social and/or economic issue under CEQA. Analysis of social and economic impacts is not required under CEQA, unless there is evidence that these impacts could indirectly cause physical environmental effect. The Project would institute regulations onto an existing practice on a pilot basis. There is no evidence that this project would induce substantial growth or concentration of

population, displace a large number of people, or create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply.

As defined by CEQA Guidelines Section 15384, "substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. The Appellant's claim that the Project – the institution of a pilot program that would regulate existing conditions – would result in air pollution and displacement of people and housing is not supported by substantial evidence. Speculation and argument does not constitute evidence that a significant effect on the environment could occur. Therefore, the Project is appropriately exempt from environmental review under Class 6, and no further environmental review is warranted.

The Appellants state that the Project would have significant environmental impacts in that the Project would likely displace numerous residents and commuters in the vicinity of the commuter shuttle stops, and replacing them with workers from private technical companies sponsoring the shuttles, however, Appellants do not present substantial evidence to support their claim. The Project is limited to data collection, experimental management, and evaluation activities for 18 months. The institution of fees and penalties to fund the Project is a government funding mechanism that would not result in a potentially significant physical impact on the environment. Further, there is no demonstrable evidence that the pilot program would result in physical impacts associated with changes in residential patterns. Thus the proposed project is appropriately exempt under Class 6 and no further environmental review is warranted.

Appeal Issue 3: The Appellant states that the Class 6 Exemption is not applicable to the Project. "Furthermore, the Section 15306 categorical exemption ('Information Collection') does not apply on its face because the Project is not limited to 'basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource,' which is a facial prerequisite for the claimed exemption. CEQA Guidelines § 15306."

Response 3 – Class 6 exemption is applicable to the proposed project: CEQA State Guidelines Section 15306 (Information Collection), or Class 6 consists of "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded."

In applying CEQA Guidelines Section 15306 (Class 6 exemption), the Department has established a number of criteria that must be met in order for a pilot project to qualify for a Class 6 categorical exemption. Specifically, the pilot project's primary purpose should be to collect data, conduct research and/or try out experimental management techniques; the pilot project should last a limited amount of time; and the pilot project should be reversible (i.e. able to be removed or discontinued). The Department evaluates the appropriate duration of pilot projects; longer timeframes may be appropriate for complicated pilot projects.

Once a pilot project has run its course, the project sponsor must return the physical environment to the condition in which it existed prior to implementation of the pilot project. The only circumstance under which the pilot project could continue permanently is if the project has been reviewed for environmental impacts as a permanent project and approved. The environmental determination could range from an exemption to an Environmental Impact Report (EIR), depending on the project's potential to affect the physical environment. This requirement for environmental review of a permanent project applies irrespective of whether preliminary data collection indicates that implementation of the project would ultimately not result in any significant adverse impacts on the physical environment.

The Project, as proposed, is a pilot program that is limited to data collection, experimental management, and evaluation activities for 18 months on an already existing activity. The institution of fees and penalties to fund the Project is a government funding mechanism specifically established to fund the Project that would not result in potentially significant physical impacts on the environment. In addition, the Appellant has not presented any substantial evidence to support the conclusion that the Class 6 exemption is inappropriate. Thus the proposed Project is appropriately exempt under Class 6 and no further environmental review is warranted.

Appeal Issue 4: The Appellant states that general and specific exceptions to Categorical Exemptions are applicable. "Finally, the Project is not subject to any categorical exemption because the Project is subject to exceptions to categorical exemptions, including but not limited to Project location (Section 15306 exemptions are qualified by consideration of where the project is to be located--a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant), and unusual circumstances due to the likelihood of displacement of people and housing. CEQA Guidelines § 15300.2(a), (c)."

Response 4 – The project would not involve any unusual circumstances: CEQA Guidelines Section 15300.2(a) states that exemption is qualified by consideration of where the project is to be located; a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. This exception particularly applies to certain designated exemption classes, including Class 6. Such exemptions include hazardous and critical concerns that are designated, precisely mapped, or officially adopted pursuant to law by federal, state, or local agencies. The Project would regulate and gather data regarding existing conditions, but would not result in physical changes to the environment, nor would the location in which the project would operate (citywide) be subject to physical effects from the Project associated with hazardous or critical concerns from the project; thus, exemption of the proposed project is not qualified by consideration of sensitive locations.

CEQA Guidelines Section 15300.2(c) states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The Project would take into account existing roadway and transit conditions, as well as future project such as those to be instituted under the SFMTA's Transit Effectiveness Program.[1] As described throughout this appeal response, there is no substantial evidence to

[1] Currently under environmental evaluation under Planning Department Case No. 2011.0558E, available at http://www.sf-planning.org/index.aspx?page=2970.

suggest that there exists a reasonable possibility of any significant direct or cumulative environmental effects, either from usual or unusual circumstances.

Appeal Issue 5: Supporting materials submitted with the appeal state that the Project was considered without public input. "There are environmental impacts associated with the current problematic commuter buses as well as with the pilot program itself. The complexity of the situation is reflected in the detailed proposed ordinance before you today that recites that it was developed by City staff in collaboration with businesses that use the commuter buses. The concerned public has been left out. Approval of a pilot program that will impact the public and the San Francisco environment is being thrust upon City residents without opportunity for input. The materials before you mention that two alternate pilot programs were considered and rejected by staff. A public CEQA process should explore other possible scenarios that may have fewer environmental impacts – before you approve a pilot program. The program itself requires analysis and mitigation and consideration of alternatives. This 18-month program appears designed to legitimize the current environmentally destructive status quo."

Response 5 – The Department appropriately considered baseline conditions: The Department appropriately considered baseline conditions and the regulation of the existing commuter bus services. The conditions identified by the Appellant constitute baseline conditions for environmental review. They are not impacts of the Project as proposed. Significant impacts under CEQA are defined as substantial adverse changes to the physical environment resulting from a project. Therefore, the Categorical Exemption for the Project appropriately did not consider existing conditions as impacts of the Project. Furthermore, the Project would occur over a limited time period and would require environmental review and approval before being made permanent. Under CEQA, a project that is exempt from review does not require analysis, mitigation measures, or consideration of alternatives. Thus the proposed project is appropriately exempt under Class 6 and no further environmental review is warranted.

Process-related comments about public input address the merits of the project and do not implicate any issues under CEQA. Pursuant to Environmental Planning policy, a Class 6 exemption was not subject to circulation prior to the issuance of the exemption determination. The fact that a project qualifies for an exemption from CEQA does not preclude a project sponsor from soliciting public input on the components of a project. The public input process for the program is described in the brief submitted to the Board of Supervisors by SFMTA on March 21, 2014.

Furthermore, as a data-gathering effort, the Project is intended to inform the formulation of a policy/program, and as such would provide reliable and valid information useful in public discourse, environmental review, and SFMTA's consideration of a long-term approach.

CONCLUSION

Appellants have failed to present substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the Project that would warrant further environmental review. The Department has found that the Project consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major

disturbance to an environmental resource. The Appellant has not provided any substantial evidence or expert opinion to refute the conclusions of the Department.

For the reasons stated above and in the January 10, 2014, CEQA Categorical Exemption Determination, the CEQA Determination complies with the requirements of CEQA and the Project is appropriately exempt from environmental review pursuant to the cited exemption. The Department therefore recommends that the Board uphold the CEQA Categorical Exemption Determination and deny the appeal.

Attachment A

CEQA Categorical Exemption Determination

SAN FRANCISCO
PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
SFMTA Commuter Shuttle Pilot Program			
Case No.	Permit No.	Plans Dated	
2013.1591E			
☐ Addition/ Alteration	☐ Demolition (requires HRER if over 50 years old)	☐ New Construction	☐ Project Modification (GO TO STEP 7)

Project description for Planning Department approval.

Eighteen-month pilot project to allow private commute shuttles to use selected Muni bus stops for passenger pick-up and drop-off.

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an *Environmental Evaluation Application* is required.	
☐	**Class 1 – Existing Facilities.** Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
☐	**Class 3 – New Construction.** Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
☑	Class 6 - Information Collection

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.	
☐	**Transportation:** Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
☐	**Air Quality:** Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? *(refer to EP _ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)*
☐	**Hazardous Materials:** Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

☐	**Soil Disturbance/Modification:** Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)*
☐	**Noise:** Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)*
☐	**Subdivision/Lot Line Adjustment:** Does the project site involve a subdivision or on a lot with a slope average of 20% or more? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)*
☐	**Slope = or > 20%: :** Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? *Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)* **If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required**
☐	**Seismic: Landslide Zone:** Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? *Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required**
☐	**Seismic: Liquefaction Zone:** Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? *Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report will likely be required**
☐	**Serpentine Rock:** Does the project involve any excavation on a property containing serpentine rock? *Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)*
If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an *Environmental Evaluation Application* is required.</u>	
☐	**Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.**
Comments and Planner Signature (*optional*):	

STEP 3: PROPERTY STATUS – HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: *(refer to Parcel Information Map)*	
☐	**Category A:** Known Historical Resource. **GO TO STEP 5.**
☐	**Category B:** Potential Historical Resource (over 50 years of age). **GO TO STEP 4.**
☑	**Category C:** Not a Historical Resource or Not Age Eligible (under 50 years of age). **GO TO STEP 6.**

STEP 4: PROPOSED WORK CHECKLIST

TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
☐	1. **Change of use and new construction.** Tenant improvements not included.
☐	3. **Regular maintenance or repair** to correct or repair deterioration, decay, or damage to building.
☐	4. **Window replacement** that meets the Department's *Window Replacement Standards*. Does not include storefront window alterations.
☐	5. **Garage work.** A new opening that meets the *Guidelines for Adding Garages and Curb Cuts*, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
☐	6. **Deck, terrace construction, or fences** not visible from any immediately adjacent public right-of-way.
☐	7. **Mechanical equipment installation** that is not visible from any immediately adjacent public right-of-way.
☐	8. **Dormer installation** that meets the requirements for exemption from public notification under *Zoning Administrator Bulletin No. 3: Dormer Windows*.
☐	9. **Addition(s)** that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: **Project Planner must check box below before proceeding.**	
☐	Project is not listed. **GO TO STEP 5.**
☐	Project **does not conform** to the scopes of work. **GO TO STEP 5.**
☐	Project involves **four or more** work descriptions. **GO TO STEP 5.**
☐	Project involves **less than four** work descriptions. **GO TO STEP 6.**

STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW

TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
☐	1. Project involves a **known historical resource (CEQA Category A)** as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
☐	2. **Interior alterations to publicly accessible spaces.**
☐	3. **Window replacement** of original/historic windows that are not "in-kind" but are consistent with existing historic character.
☐	4. **Façade/storefront alterations** that do not remove, alter, or obscure character-defining features.
☐	5. **Raising the building** in a manner that does not remove, alter, or obscure character-defining features.
☐	6. **Restoration** based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
☐	7. **Addition(s),** including mechanical equipment that are minimally visible from a public right-of-way and meet the *Secretary of the Interior's Standards for Rehabilitation*.

☐	8. Other work consistent with the *Secretary of the Interior Standards for the Treatment of Historic Properties* (*specify or add comments*):
☐	9. **Reclassification of property status** to Category C. *(Requires approval by Senior Preservation Planner/Preservation Coordinator)* a. Per HRER dated: _____ *(attach HRER)* b. Other *(specify)*:

Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.

☐	**Further environmental review required.** Based on the information provided, the project requires an *Environmental Evaluation Application* to be submitted. GO TO STEP 6.
☐	**Project can proceed with categorical exemption review.** The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.

Comments (*optional*):

Preservation Planner Signature:

STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

☐ **Further environmental review required.** Proposed project does not meet scopes of work in either *(check all that apply)*:

- ☐ Step 2 – CEQA Impacts
- ☐ Step 5 – Advanced Historical Review

STOP! Must file an *Environmental Evaluation Application.*

☑ **No further environmental review is required. The project is categorically exempt under CEQA.**

Planner Name:	Signature or Stamp: Jean Poling Digitally signed by Jean Poling DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=ENVIRON, ou=Major Environmental Analysis, cn=Jean Poling, email=jeanie.poling@sfgov.org Date: 2014.01.10 11:41:32 -08'00'
Project Approval Action: SFMTA Bd. public hearing *If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	

Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.

In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.

SAN FRANCISCO
PLANNING DEPARTMENT

ENVIRONMENTAL EVALUATION APPLICATION COVER MEMO - PUBLIC PROJECTS ONLY

In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.

Please attach this memo along with all necessary materials to the Environmental Evaluation Application.

Project Address and/or Title:	Employer Shuttle Pilot Project
Funding Source (MTA only):	
Project Approval Action:	SFMTA Board
Will the approval action be taken at a noticed public hearing? ☑ YES* ☐ NO * If YES is checked, please see below.	

IF APPROVAL ACTION IS TAKEN AT A NOTICED PUBLIC HEARING, INCLUDE THE FOLLOWING CALENDAR LANGUAGE:

End of Calendar: CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code If the Commission approves an action identified by an exemption or negative declaration as the Approval Action (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA decision prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at http://sf-planning.org/index.aspx?page=3447. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

Individual calendar items: This proposed action is the Approval Action as defined by S.F. Administrative Code Chapter 31.

THE FOLLOWING MATERIALS ARE INCLUDED:

- ☐ 2 sets of plans (11x17)
- ☑ Project description
- ☐ Photos of proposed work areas/project site
- ☐ Necessary background reports (specified in EEA)
- ☐ MTA only: Synchro data for lane reductions and traffic calming projects

SFMTA
Municipal
Transportation
Agency

January 7, 2014

Jeanie Poling
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: The San Francisco Commuter Shuttle Pilot Program Establishment, CEQA Determination

Dear Ms. Poling:

The SFMTA is proposing to establish an 18-month Commuter Shuttle Pilot Program that would allow private commuter shuttles to use selected existing Muni bus stops for passenger pick-up and drop-off. The proposal would apply to shuttle services that serve commuters to, from, and within San Francisco. This proposal would not include recreational buses, airport shuttles, long-distance interurban buses, or vanpool vehicles. Participation would require a permit from the SFMTA.

The Commuter Shuttle Pilot Program is intended to increase safety for the users of all modes of transportation, including pedestrians, bicyclists, public transit riders, and private vehicle drivers as shuttles would operate according to agreed-upon guidelines. This program would reduce conflict with Muni operations as the shuttles would only use designated Muni stops deemed appropriate and designated by SFMTA staff. The program would reduce conflicts between shuttles and bicycles and vehicular traffic, and would support commuter use of sustainable non-single occupancy vehicles. The program would benefit the shuttle service sponsors by formalizing and facilitating the current practice of the use of Muni stops by shuttles.

There are approximately 200 locations throughout the City that the shuttle providers use, many of which are Muni bus stops. The SFMTA would solicit applications from shuttle sponsors for the purpose of determining which stops should become shared Muni-shuttle stops. The SFMTA would evaluate these proposed stops based on operational and engineering considerations to select approximately 200 shared Muni stops, distributed throughout the City, and would designate them for shared Muni and shuttle use.
As of August 2013, there were 48 known shuttle providers (19 regional and 29 intra-city) including the employers/institutions that offer the services as well as vendors who operate the services. There are about 350 shuttle vehicles operating in San Francisco on an average weekday. Together, the shuttle sector provides approximately 35,000 boardings on an average weekday, most of these during the peak morning and peak evening hours. Together, the commuter shuttles reduce at least 45 million vehicle miles travelled and 671,000 metric tons of carbon annually.

The vehicle size of the shuttles varies given the service needs and the number of riders utilizing the service. Most of the intra-city shuttles range in size from approximately 26 feet in length to approximately 32 feet in length and carry between 10 and 28 passengers. Most of the regional shuttle providers use motor coaches that are 40 to 45 feet in length and can carry 40 to 80 passengers.

The maximum shuttle boarding time is not expected to exceed one minute at the shared bus stops. The operating guidelines to be followed by the shuttle providers would minimize conflicts with Muni operations. Shuttle providers would be required to give priority to all Muni buses, would stop only at designated Muni stops, would prohibit loading and unloading in a traffic or bicycle lane, and would require the shuttles to pull all the way to the front of the bus stop to leave room for Muni or other shuttles in the bus zone. The SFMTA would use a sticker or other signage at the Muni bus stops to designate approved use by participating shuttle partners.

The SFMTA will evaluate the pilot program to assess how well it addresses conflicts between Muni and private commuter shuttles, and how well it encourages and facilitates shuttle operation, as well as environmental benefits.

The SFMTA will collect information from shuttle providers such as vehicle and fuel type, ridership, and shuttle miles traveled from shuttle providers for the environmental benefits assessment.

The SFMTA will conduct before and after field data observations on sample stops to compare shuttle operations and impacts on other users. The SFMTA will track the following data through auditing GPS feeds, enforcement reports, 311 complaints and requests, field observations, citations, and other communications to the SFMTA:

- Complaints about shuttle activities, including from Muni operators
- Incidents of shuttle-Muni, shuttle-shuttle, and shuttle-other user conflicts
- Violations of operating guidelines by shuttle operators
- Citations issued

The SFMTA will also evaluate the program's structure, administration, enforcement, and actual costs.

Because the Pilot Project will not result in a serious or major disturbance to an environmental resource and is reversible, we feel this pilot project is categorically exempt from CEQA under Class 6, Information Collection. Please let us know if you concur with this determination.

Sincerely,

Jerry Robbins
Transportation Planning Manager

Attachment B

SFMTA Resolution 14-023

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 14-023

WHEREAS, The use of shuttle buses for the purpose of providing commuter shuttle service for the benefit of employees, students and others is a growing means of sustainable transportation in San Francisco and the greater Bay Area; and,

WHEREAS, Shuttle bus service provides significant benefits to the community by replacing single occupant trips with more efficient transportation, contributing to a reduction in parking demand, and supporting the City's goal of having of 50 percent of all trips made by sustainable modes by 2018; and,

WHEREAS, Shuttle bus service currently operating in San Francisco reduces vehicle miles traveled (VMT) in the City by at least 45 million miles annually, and reduces greenhouse gas emissions for trips originating or ending in the City by 11,000 metric tons annually; and,

WHEREAS, The unregulated use of Muni stops by shuttle bus service providers has resulted in unintended adverse impacts, including delaying public transit service, increasing traffic congestion, diverting bicyclists from bicycle lanes into mixed-flow lanes, and diverting motor vehicle traffic into adjacent travel lanes, and preventing public transit vehicles from being able to access the curb in order to load and unload passengers; and

WHEREAS, The SFMTA's lack of complete information about shuttle bus operations, including routes, frequency of service and stops has been a barrier to resolving and preventing conflicts with shuttle service providers' operations, including adverse impacts on Muni service and increased traffic congestion; and

WHEREAS, Inconsistent or inaccurate identification of, and lack of contact information for, shuttle bus service providers has made it difficult for the SFMTA to effectively and timely communicate with shuttle bus service providers to prevent or resolve conflicts and makes enforcement of traffic and parking regulations difficult; and

WHEREAS, Regulation by the SFMTA of stop use by shuttle bus services to provide safe loading and unloading zones for those services, whose cumulative ridership is equivalent to that of a small transit system, is consistent with City's Transit First policy; and

WHEREAS, SFMTA has evaluated the impacts of shuttle service operations on Muni operations and other users of the transportation system and worked with shuttle sponsors and shuttle service providers to develop SFMTA's Commuter Shuttle Policy and Pilot Program to guide SFMTA's implementation and evaluation of a pilot program to authorize commuter shuttle buses to stop in designated Muni stops; and

WHEREAS, Pursuant to Charter Section 16.112, published notice was provided in the City's official newspaper for a five-day period beginning on January 10, 2014, that the Board of Directors will hold a public hearing on January 21, 2014, to consider implementing as an 18 month pilot, a permit program including a permit and use fee for shuttle buses authorized under the program to use designated Muni stops for loading and unloading passengers; and,

WHEREAS, On January 8, 2014, the SFMTA, under the authority delegated by the Planning Department, determined that the proposed Commuter Shuttle Policy and Pilot Program and Transportation Code amendments to implement an 18 month pilot program were exempt from environmental review pursuant to Title 14 of the California Code of Regulations Section 15306 as a Class 6 (Information Collection) categorical exemption, and on January 9, 2014, the City Planning Department issued a concurrence with SFMTA's determination; and,

WHEREAS. The proposed pilot program will provide the opportunity for SFMTA to gather information and collect data on the shuttle services' use of shared Muni stops and the effect of the program on transportation in the City that will help inform future implementation of regulations for shuttle services; and,

WHEREAS, A copy of the SFMTA's determination and the Planning Department's concurrence are on file in the office of the Secretary for the SFMTA Board of Directors, and this approval is the Approval Action as defined by San Francisco Administrative Code Chapter 31; and,

WHEREAS, On January 21, 2014, the SFMTA Board of Directors approved a motion to suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order regarding published notice for implementing as an 18 month pilot, a permit program including a permit and use fee for shuttle buses authorized under the program to use designated Muni stops for loading and unloading passengers; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors adopts the Commuter Shuttle Policy and Pilot Program; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends Transportation Code, Division II, to authorize establishing a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establishing a fee for such permits and penalties for permit violations.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 21, 2014.

_____

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code – Pilot Permit Program For Shuttle Buses Using Designated Muni Stops]

Resolution amending Division II of the Transportation Code to establish a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers, and establishing fees for such permits.

NOTE: Additions are single-underline Times New Roman; deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 900 of Division II of the Transportation Code is hereby amended by adding Section 914, to read as follows:

Sec. 914. SHUTTLE STOP PERMITS

(a) **Definitions**

As used in this Section 914, the following words and phrases shall have the following meanings:

Designated Stop. An SFMTA bus stop designated by SFMTA as a stop available for loading and/or unloading of passengers by Shuttle Service Providers that have been issued a Shuttle Permit under this Section 914.

Director. The Director of Transportation or his or her designee.

Shuttle Bus. A motor vehicle designed, used or maintained by or for a charter-party carrier of passengers, a passenger stage corporation, or any highway carrier of passengers required to register with the California Public Utilities Commission that is being operated in Shuttle Service.

Shuttle Permit. A permit issued by the SFMTA that authorizes a Shuttle Service Provider to load and/or unload passengers at specified Designated Stops in one or more Shuttle Buses.

Shuttle Placard. A placard issued by SFMTA that is visible from outside the Shuttle Bus at front and rear locations as specified by the SFMTA and that identifies the Shuttle Permit authorizing the Shuttle Bus to use Designated Stops.

Shuttle Service. Transportation by Private Buses offered for the exclusive or primary use of a discrete group or groups, such as clients, patients, students, paid or unpaid staff, visitors, and/or residents, between an organization or entity's facilities or between the organization or entity's facilities and other locations, on a regularly-scheduled basis.

Shuttle Service Provider. Any Person using Shuttle Buses to provide Shuttle Service within the City.

Stop Event. An instance of stopping by a Shuttle Bus at a Designated Stop for the purpose of loading and/or unloading passengers.

(b) **Findings.**

(1) The use of Shuttle Buses for the purpose of providing Shuttle Service is a growing means of transportation in San Francisco and the greater Bay Area.

(2) Shuttle Service provides significant benefits to the community by replacing single occupant trips with more efficient transportation, contributing to a reduction in parking demand, and supporting the City's goal of having of 50 percent of all trips made by sustainable modes by 2018.

(3) Shuttle Service currently operating in San Francisco reduces vehicle miles traveled (VMT) in the City by at least 45 million miles annually, and reduces greenhouse gas emissions from trips originating or ending in the City by 11,000 metric tons annually.

(4) Unregulated use of Muni stops by Shuttle Service Providers has resulted in unintended adverse impacts, including delaying transit bus service, increasing traffic congestion, diverting bicyclists from bicycle lanes into mixed-flow lanes, and diverting motor vehicle traffic into adjacent travel lanes, and preventing transit buses from being able to access the curb in order to load and unload passengers.

(5) The SFMTA's lack of complete information about Shuttle Service operations, including routes, frequency of service and stops has been a barrier to resolving and preventing conflicts with Shuttle Service Providers' operations, including adverse impacts on Muni service and increased traffic congestion.

(6) Inconsistent or inaccurate identification of, and lack of contact information for, Shuttle Service Providers has made it difficult for the SFMTA to effectively and timely communicate with Shuttle Service Providers to prevent or resolve conflicts and makes enforcement of traffic and parking regulations difficult.

(7) Regulation by the SFMTA of stop use by Shuttle Services to provide safe loading and unloading zones for Shuttle Services, whose cumulative ridership is equivalent to that of a small transit system, is consistent with City's Transit First policy.

(8) The pilot program established under this Section 914 is intended to enable SFMTA to evaluate whether shared use of Muni stops by Shuttle Buses is consistent with efficient operation of the City's public transit system.

(c) **General Permit Program Requirements.**

(1) The Director is authorized to implement a pilot program for the issuance of Shuttle Permits beginning on a date designated by the Director. The duration of the pilot program shall not exceed 18 months from the date of commencement designated by the Director.

(2) The Director may issue a Shuttle Permit for the use of Designated Stops upon receipt of an application from a Shuttle Service Provider on a form prescribed by the SFMTA which application meets the requirements of this Section 914.

(3) The Shuttle Permit shall authorize the Shuttle Service Provider to receive a specified number of Shuttle Placards issued by SFMTA.

(4) The Director is authorized to establish up to 200 Designated Stops for the purposes of this pilot program. The Director may establish additional Designated Stops following a public hearing.

(d) **Application Requirements.** Each application for a permit or renewal of a permit shall contain the following information:

(1) The name, business location, telephone number, fax number and email address of the Shuttle Service Provider;

(2) The name, title and contact information of one or more persons representing the Shuttle Service Provider to be notified by SFMTA in the event of a problem or permit violation relating to the Permittee's Shuttle Service;

(3) The total number of Shuttle Buses the Shuttle Service Provider intends to use to deliver Shuttle Service using Designated Stops, and the make, passenger capacity and license plate number of each of its Shuttle Buses that would be authorized, when bearing a Shuttle Placard, to use one or more Designated Stops;

(4) The total number of Shuttle Placards requested;

(5) The number of shuttle routes for which the permit applicant is proposing to provide Shuttle Service, including the frequency of service on each route, the neighborhoods served by each route, the origin and terminus of each route, and the frequency of Shuttle Service on each route. In lieu of a map, the permit applicant may provide a narrative statement describing the routes. The applicant need only identify the route to the extent that it lies within the City. Where the point of origin or termination is outside of the City, the applicant need only provide the county in which the point of origin or termination is located;

(6) A list of the Designated Stops the permit applicant proposes to use on each shuttle route, along with the proposed frequency of use of each Designated Stop per day, resulting in a calculation of the total number of Stop Events per day at Designated Stops; and

(7) Documentation of the Applicant's registration status with the California Public Utilities Commission ("CPUC"), including any Charter Party Carrier ("TCP") authorization or permits, or registration as a private carrier of passengers, and documentation that the Applicant maintains insurance in compliance with the applicable requirements imposed by the CPUC.

(e) **Permit Issuance.** After evaluating an applicant's permit application, the Director shall grant the Permit as requested, or grant the Permit with modifications, or deny the Permit. Where the Permit is granted with modifications or denied, the notice shall explain the basis for the Director's decision. The Director may issue procedures for reviewing the Director's decision upon request of the permit applicant.

(f) **Permit Terms and Conditions.** The Director shall establish terms and conditions for Permits. In addition to any other requirements imposed by the Director, Permits shall include the following terms:

(1) Any Shuttle Bus being operated in Shuttle Service shall be listed on the permit application and shall display a valid SFMTA-issued Shuttle Placard visible from outside the Shuttle Bus at front and rear locations on the Shuttle Bus as specified by the SFMTA, at all times such vehicle is being operated in Shuttle Service in the City. Shuttle Placards may be transferred between any Shuttle Buses in the Shuttle Service Provider's fleet that are listed on the Permit.

(2) A Shuttle Bus bearing valid Shuttle Placards shall be allowed to stop at any Designated Stop subject to the following conditions:

(A) The Shuttle Bus shall give priority to any transit buses that are approaching or departing a Designated Stop;

(B) The Shuttle Bus shall not stop at any Muni stops other than Designated Stops;

(C) The Shuttle Bus shall use Designated Stops only for active loading or unloading of passengers, and such loading and unloading shall be conducted as quickly as possible without compromising the safety of passengers, pedestrians, bicyclists or other motorists;

(D) Loading and unloading of passengers shall not take place in, or impede travel in, a lane of traffic or bicycle lane.

(3) A Shuttle Permit and Shuttle Placard shall not exempt a Shuttle Bus from any other Parking restrictions or traffic regulations except as authorized by this Section 914, and a Shuttle Bus stopping or parking at any Muni stop, including a Designated Stop, in violation of the terms and conditions set forth in this Subsection (f) may be cited for violation of California Vehicle Code Section 22500(i).

(4) The Permittee shall comply with all applicable federal, state and local laws, including this Code, the California Vehicle Code and CPUC requirements, including those for registration, insurance, vehicle inspection and regulation of drivers;

(5) The Permittee shall equip each Shuttle Bus with an on-board device capable of providing real-time location data to the SFMTA in accordance with specifications issued by the Director, and shall maintain a continuous feed of the specified data at all times when the Shuttle Bus is being used to provide Shuttle Service within the City. The Permittee shall begin providing a continuous feed of such data to the SFMTA on the first day that the Permittee begins providing Shuttle Service under the Permit unless the Director establishes an alternate date. Notwithstanding the foregoing requirements stated in this subsection (f)(5), if the Permittee is unable to provide the required data in accordance with specifications issued by the Director, the Permittee shall install an on-board device (OBD) prescribed by the SFMTA in each Shuttle Bus. The SFMTA shall not be responsible for any equipment, or for the failure of any equipment, installed inside any Shuttle Bus for any reason, including for the purpose of complying with this Section 914. If a Shuttle Bus becomes unable to provide the required data for any reason, Permittee shall not operate that Shuttle Bus in Shuttle Service without first notifying SFMTA of the identity of the bus, the route affected and the time at which Permittee expects the data transmission to be restored. To facilitate SFMTA's

monitoring of Shuttle Bus operations, the Director may issue regulations limiting the duration that a Shuttle Bus may operate in Shuttle Service without being able to provide the required data.

(6) The Permittee shall, in a timely manner and as otherwise required by law, pay all traffic and parking citations issued to its Shuttle Buses in the course of providing Shuttle Service, subject to the Permittee's right under applicable law to contest such citations.

(7) Where the Director determines that the continued use of a particular Shuttle Bus listed on a Shuttle Provider's permit application would constitute a risk to public safety, the Director shall notify the Shuttle Provider in writing, and said Shuttle Bus shall immediately be ineligible to use any Designated Stops unless and until the Shuttle Provider has proven to the satisfaction of the Director that the Shuttle Bus no longer constitutes a risk to public safety.

(g) **Duration of Shuttle Permit.** Shuttle Permits initially issued under this Section shall expire six months from the date of commencement of the pilot program designated by the Director pursuant to subsection (c)(1), unless a shorter term is requested by the Permittee, the Permit is revoked, or the Director for good cause finds a shorter term is warranted. Permits issued or renewed on or after that six months' date shall expire 18 months from the date of program commencement, unless a shorter term is requested by the Permittee, the Permit is revoked or the Director for good cause finds a shorter term is required.

(h) **Fees.**

(1) Shuttle Service Providers shall pay a Designated Stop use and permit fee as set forth below. The fee is intended to cover the cost to SFMTA of permit program implementation, administration enforcement and evaluation. The Designated Stop use fee component shall be determined by multiplying the total number of anticipated daily Stop Events stated in the permit application by the per stop fee set forth below. The Director is authorized, in his or her discretion, to impose pro-rated Designated Stop use fees where a Shuttle Service Provider applies for a permit or permit modification following date of commencement of the pilot program.

(2) The Designated Stop use and permit fees shall be $1 per Stop Event.

(3) Permittees shall be billed for the Designated Stop use and permit fee upon issuance or renewal of the Permit. The Designated Stop use and permit fee shall be due and payable within 30 days from the date of invoice. Fees remaining unpaid 30 days after the date of invoice shall be subject to a 10 percent penalty plus interest at the rate of one percent per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

(4) SFMTA shall reconcile the number of Stop Events for each Shuttle Service Provider against the actual stop data provided to the SFMTA on a semi-annual basis, but reserves the right to conduct such reconciliation on a more frequent basis if necessary. Where the SFMTA determines that a Shuttle Service Provider has used Designated Stops more frequently than authorized under the Provider's Permit, the Provider shall pay the additional Designated Stop use fee due. Where SFMTA determines that the Permittee's use of Designated Stops exceeds the authorized number of daily Stop Events by 10 percent or more, the Provider shall pay the additional Designated Stop use fee due, plus a 10 percent penalty. All such fees shall be due within 30 days from the date of invoice. Fees remaining unpaid after that date shall be subject to interest at the rate of one percent per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

(i) **Grounds for suspension or revocation:**

(1) The Director may suspend or revoke a permit issued under this Section 914 upon written notice of revocation and opportunity for hearing. The Director is authorized to promulgate hearing and review procedures for permit suspension and revocation proceedings. Upon revocation or suspension, the Shuttle Service Provider shall surrender such Permit and the Shuttle Placards authorized under the Permit in accordance with the instructions in the notice of suspension or revocation.

(2) Where the Director determines that public safety is at risk, or where the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public

Utilities Code or the California Vehicle Code, the Director is authorized to suspend a permit issued under this Section 914 immediately upon written notice of suspension to the Permittee, provided that the Director shall provide the Permittee with the opportunity for a hearing on the suspension within five business days of the date of notice of suspension.

(3) A permit issued under this Section 914 may be suspended or revoked under this paragraph following the Director's determination after an opportunity for hearing that:

(A) the Permittee has failed to abide by any permit condition;

(B) the Permittee knowingly or intentionally provided false or inaccurate information on a permit application;

(C) one or more of Permittee's Shuttle Buses have, in the course of providing Shuttle Service, repeatedly and egregiously violated parking or traffic laws;

(D) the Permittee's continued operation as a Shuttle Service Provider would constitute a public safety risk; or

(E) the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public Utilities Code or the California Vehicle Code.

(j) **Administrative Penalties.**

(1) This Section shall govern the imposition, assessment and collection of administrative penalties imposed for violations of permit conditions set forth under Subsection 914(f).

(2) The SFMTA Board of Directors finds:

(A) That it is in the best interest of the City, its residents, visitors and those who travel on City streets to provide an administrative penalty mechanism for enforcement of Shuttle Bus permit conditions; and

(B) That the administrative penalty scheme established by this section is intended to compensate the public for the injury or damage caused by Shuttle Buses being operated in violation of the permit conditions set forth under Subsection 914(f). The administrative penalties authorized

under this section are intended to be reasonable and not disproportionate to the damage or injury to the City and the public caused by the prohibited conduct.

(C) The procedures set forth in this Section are adopted pursuant to Government Code Section 53069.4 which governs the imposition, enforcement, collection, and administrative review of administrative citations and fines by local agencies, and pursuant to the City's home rule power over its municipal affairs.

(3) Any Service Provider that is operating a Shuttle Bus in violation of the permit conditions set forth under Subsection 914(f) may be subject to the issuance of a citation and imposition of an administrative penalty under this Subsection 914(j).

(4) Administrative penalties may not exceed $250 for each violation. In determining the amount of the penalty, the officer or employee who issued the citation may take any or all of the following factors into consideration:

(A) The duration of the violation;

(B) The frequency, recurrence and number of violations by the same violator;

(C) The seriousness of the violation;

(D) The good faith efforts of the violator to correct the violation;

(E) The economic impact of the fine on the violator;

(F) The injury or damage, if any, suffered by any member of the public;

(G) The impact of the violation on the community;

(H) The amount of City staff time expended investigating or addressing the violation;

(I) The amount of fines imposed by the charging official in similar situations;

(J) Such other factors as justice may require.

(5) The Director of Transportation is authorized to designate officers or employees of the Municipal Transportation Agency to issue citations imposing administrative penalties for violations

of the permit conditions set forth in Subsection 914(f), hereafter referred to as the "Charging Official."

(6) Administrative Citation. A Charging Official who determines that there has been a violation of the permit conditions set forth in Subsection 914(f), may issue an administrative citation to the Shuttle Service Provider permitted under this Section 914. The Charging Official shall either serve the citation personally on the Shuttle Service Provider or serve it by certified U.S. mail sent to the address indicated on the Shuttle Service Provider's permit application.

(7) The citation shall contain the following information: the name of the person or entity cited; the date, time, address or location and nature of the violation; the date the citation is issued; the name and signature of the Charging Official; the amount of the administrative penalty, acceptable forms of payment of the penalty; and that the penalty is due and payable to the SFMTA within 15 business days from (A) the date of issuance of the citation if served personally, or (B) the date of receipt of the citation if served by certified U.S. Mail. The citation shall also state that the person or entity cited that it has the right to appeal the citation, as provided in Subsection 914(j).

(8) Request for Hearing; Hearing.

(A) A person or entity may appeal the issuance of a citation by filing a written request with the SFMTA Hearing Division within 15 business days from (i) the date of the issuance of a citation that is served personally or (ii) the date of receipt if the citation is served by certified U.S. Mail. The failure of the person or entity cited to appeal the citation shall constitute a failure to exhaust administrative remedies and shall preclude the person or entity cited from obtaining judicial review of the validity of the citation.

(B) At the time that the appeal is filed, the appellant must deposit with the SFMTA Hearing Division the full amount of the penalty required under the citation.

(C) The SFMTA Hearing Division shall take the following actions within 10 days of receiving an appeal: appoint a hearing officer, set a date for the hearing, which date shall be no less

than 10 and no more than 60 days from the date that the appeal was filed, and send written notice of the hearing date to the appellant and the Charging Official.

(D) Upon receiving notice that the SFMTA Hearing Division has scheduled a hearing on an appeal, the Charging Official shall, within three City business days, serve the hearing officer with records, materials, photographs, and other evidence supporting the citation. The hearing officer may grant a request to allow later service and may find good cause to continue the hearing because of the delay.

(E) The hearing officer shall conduct all appeal hearings under this Chapter and shall be responsible for deciding all matters relating to the hearing procedures not otherwise specified in this Section. The Charging Official shall have the burden of proof in the hearing. The hearing officer may continue the hearing at his or her own initiative or at the request of either party, and may request additional information from either party to the proceeding. The hearing need not be conducted according to technical rules of evidence and witnesses. Any relevant evidence is admissible if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

(F) The following provisions shall also apply to the appeal procedure:

(i) A citation that complies with the requirements of Section 914(j)(7) and any additional evidence submitted by the Charging Official shall be prima facie evidence of the facts contained therein;

(ii) The appellant shall be given the opportunity to present evidence concerning the citation; and

(iii) The hearing officer may accept testimony by declaration under penalty of perjury relating to the citation from any party if he or she determines it appropriate to do so.

(iv) After considering all of the testimony and evidence submitted by the parties, the hearing officer shall issue a written decision upholding, modifying or vacating the citation and shall set forth the reasons for the determination. This shall be a final administrative determination.

(v) If the hearing officer upholds the citation, the hearing officer shall inform the appellant of its right to seek judicial review pursuant to California Government Code Section 53069.4. If the citation is upheld the City shall retain the amount of the fine that the appellant deposited with the City.

(vi) If the hearing officer vacates the citation, the City shall promptly refund the deposit. If the hearing officer partially vacates the citation, the City shall promptly refund that amount of the deposit that corresponds to the hearing officer's determination. The refund shall include interest at the average rate earned on the City's portfolio for the period of time that the City held the deposit as determined by the Controller.

(G) Any person aggrieved by the action of the hearing officer taken pursuant to this Chapter may obtain review of the administrative decision by filing a petition for review in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

(H) If a final order of a court of competent jurisdiction determines that the SFMTA has not properly imposed a fine pursuant to the provisions of this Section, and if the fine has been deposited with the SFMTA as required by Section 914(j)(8)(B), the SFMTA shall promptly refund the amount of the deposited fine, consistent with the court's determination, together with interest at the average rate earned on the City's portfolio.

(9) Administrative penalties shall be deposited in the Municipal Transportation Fund and may be expended only by the SFMTA.

Section 2. Effective Date. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance

Section 3. Scope of Ordinance. In enacting this ordinance, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
DAVID A. GREENBURG
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 21, 2014.

_____
Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

Attachment C

Appeal Letter

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Via Hand Delivery and Electronic Mail

President David Chiu
c/o Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors of the City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
Email: Board.of.Supervisors@sfgov.org

Re: **Appeal of SFMTA Resolution No. 14-023, CEQA Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program and amending Transportation Code, Division II, and Approval of Motion to Suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order Regarding Published Notice (January 21, 2014)**

Dear President Chiu and Honorable Members of the Board of Supervisors:

I am writing on behalf of Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club ("Milk Club"), Service Employees International Union Local Union 1021 ("SEIU Local 1021"), and the San Francisco League of Pissed Off Voters (collectively, "Appellants"), concerning the San Francisco Municipal Transportation Authority ("SFMTA") Commuter Shuttle Policy and Pilot Program and proposed amendments to Transportation Code, Division II, to authorize establishing a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establishing a fee for such permits and penalties for permit violations (collectively, "Project" or "Commuter Shuttle Project).

Ms. Shortt is a San Francisco resident who previously submitted comments to SFMTA on the Project on January 21, 2014. A true and correct copy of Ms. Shortt's January 21 comment letter is attached hereto as Exhibit A. The Milk Club is San Francisco's largest Democratic Club. The Club works within the Democratic Party and elsewhere to bring the issue of Lesbian / Gay / Bisexual / Transgender rights to the forefront of political campaigns; to lobby for

legislation which upholds the rights of Lesbians, Gays, Bisexuals, Transgendered and other peoples; and encourages and supports the election and appointment of Lesbians, Gays, Bisexuals, and Transgendered people to public office. SEIU Local 1021 is a non-profit public and private service employees' union with over 6000 members living in the City and County of San Francisco. The San Francisco League of Pissed Off Voters is a volunteer-based organization with members that live, work, and commute in and around San Francisco. Ms. Shortt, along with members of the Milk Club, SEIU Local 1021, and San Francisco League of Pissed Off Voters live within the areas of displacement, traffic, and air quality impacts of the Commuter Shuttle Project, and regularly use public thoroughfares and public transportation in areas that will be impacted by the Project.

A. Decision Being Appealed (Admin. Code §§ 31.16(a); (b)(1), (e)).

Pursuant to San Francisco Administrative Code ("Admin. Code") Section 31.16, Appellants hereby appeal the January 21, 2014 decision of SFMTA approving Resolution No. 14-023, including but not limited to (1) SFMTA's approval of the Project; (2) approval of the January 8, 2014 SFMTA determination that the Project is exempt from environmental review pursuant to Title 14 of the California Code of Regulations ("CEQA Guidelines") Section 15306 as a Class 6 (Information Collection) categorical exemption ("SFMTA CEQA Determination"); (3) approval of the January 9, 2014 City Planning Department concurrence with SFMTA's CEQA Determination ("CEQA Concurrence"); and (4) the approval of a motion to suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order regarding published notice for implementing the Project (collectively, "Approval Action"). Pursuant to Admin. Code Section 31.16(b)(1), true and correct copies of Resolution No. 14-023 and the related SFMTA CEQA Determination and CEQA Concurrence are attached hereto as Exhibit B. Pursuant to Admin Code Section 31.16(b)(1), a copy of this Appeal Letter is simultaneously being submitted to the Environmental Review Officer.

B. Grounds For Appeal (Admin. Code § 31.16(b)(1), (e)).

Appellants urge the Board of Supervisors to reverse the Approval Actions by SFMTA for the Project on the grounds that the Project is not exempt from the requirements of the California Environmental Quality Act, Pub. Res. Code §§ 21000 et seq. ("CEQA"), and in particular is not subject to a categorical exemption under CEQA Guidelines Section 15306 because there is a fair argument that the Project will have significant environmental impacts that the City has failed to analyze and mitigate. These include impacts on the residents of San Francisco and surrounding municipalities and counties, including Appellant

members. Appellants, and indeed all San Franciscans and Californians, deserve the best, most sustainable Commuter Shuttle Project possible under CEQA and local law.

CEQA applies to agency projects that may have an adverse environmental impact. *CBE v. SCAQMD* 48 Cal.4th 310, 319 (2010); *Friends of Mammoth v. Board of Supervisors*, 8 Cal.3d 247, 259 (1972). CEQA's procedural and substantive requirements are "interpreted . . . to afford the fullest possible protection to the environment within its reasonable scope of the statutory language." *Friends of Mammoth*, 8 Cal.3d at 259. CEQA has two broad purposes: 1) avoiding, reducing or preventing environmental damage by requiring alternatives and mitigation measures. CEQA Guidelines§ 15002(a); and 2) providing information to decision-makers and the public concerning the environmental effects of the proposed project. CEQA Guidelines § 15002(a)(1). If a project will have a significant effect on the environment, an EIR is required. CEQA Guidelines §§ 15002(k), 15063(b)(2), 15070.

CEQA and its regulations provide that certain projects may be exempt. However, ***"[a]n activity that may have a significant effect on the environment cannot be categorically exempt."*** *Salmon Protectors v. County of Marin* (2004) 125 Cal.App.4th 1098, 1107; *Azusa Land Reclamation v. Main San Gabriel Basin* (1997) 52 Cal.App.4th 1165, 1191, 1202. And "[s]ince a determination that a project falls within a categorical exemption excuses any further compliance with CEQA whatsoever, we must construe the exemptions narrowly in order to afford the fullest possible environmental protection. *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal. App. 4th 677, 697.

CEQA's unique "fair argument" standard applies when reviewing a CEQA exemption. Under the "fair argument" standard, an agency is precluded under the Guidelines from relying on a categorical exemption when there is a fair argument that a project will have a significant effect on the environment. *Berkeley Hillside Pres. v. City of Berkeley* (2012) 203 Cal. App. 4th 656, 670-671; *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* ("*Bankers Hill*") (2006) 139 Cal. App. 4th 249, 266. In other words, "where there is any reasonable possibility that a project or activity may have a significant effect on the environment, an exemption would be improper." *Id.*; *Dunn-Edwards Corp.*, 9 Cal.App.4th at 654-655.

Under these principles, there is no CEQA exemption that can reasonably apply to the Commuter Shuttle Project, because there is a fair argument that the Project will result in significant environmental impacts, including air pollution, the displacement of people and housing, and the displacement of low income

communities and communities of color that live, work, and commute in the areas proposed for Commuter Shuttle activities.

CEQA requires the lead agency to determine whether the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly," (PRC § 21083(b)(3), (d)), and to "take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." See PRC §21000 et seq. Specifically, CEQA Guidelines Appendix G, Section XII provides that a project will have significant impacts where it will:

- Induce substantial population growth or concentration of population in an area, either directly (for example, by proposing new housing or businesses), or indirectly (for example, through extension of roads or other infrastructure);
- Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere; or
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. See CEQA Guidelines Appendix G, Section XII.

Here, the Commuter Shuttle Project is likely to displace numerous residents and commuters who currently live, work, commute, and recreate in the areas proposed for the Commuter Shuttle stops, and replace them with workers from the private technical companies sponsoring the shuttles, who are wealthier and less likely to come from communities of color. For the same reasons, the Project also violates Gov. Code 11135, which prohibits any government support for programs that have a discriminatory impact. See Kalama D. Harris, Attorney General, "Environmental Justice at the Local and Regional Level," May 8, 2012, available at http://oag.ca.gov/sites/all/files/pdfs/environment/ej_fact_sheet_final_050712.pdf.

Furthermore, the Section 15306 categorical exemption ("Information Collection") does not apply on its face because the Project is not limited to "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource," which is a facial prerequisite for the claimed exemption. CEQA Guidelines § 15306.

Finally, the Project is not subject to any categorical exemption because the Project is subject to exceptions to categorical exemptions, including but not limited to Project location (Section 15306 exemptions are qualified by consideration of where the project is to be located--a project that is ordinarily

insignificant in its impact on the environment may in a particularly sensitive environment be significant), and unusual circumstances due to the likelihood of displacement of people and housing. CEQA Guidelines § 15300.2(a), (c).

C. Additional Appeal Procedures.

Appeal of SFMTA's Approval Action to the Board of Supervisors is authorized under CEQA and the Admin. Code. Pub. Res. Code § 21151(c); Admin. Code § 31.16(b), (e). This Appeal is timely because it is being filed within 30 days of January 21, 2014, the date of SFMTA's Approval Action of the Project. See Admin. Code § 31.16(e)(1), (2)(A), (B); see Resolution No. 14-023, p. 2 ("this approval is the Approval Action as defined by San Francisco Administrative Code Chapter 31").

Appellants expressly reserve the right to submit additional written and oral comments, and additional evidence in support of this Appeal, to the City and County of San Francisco and its departments ("City") and to the Board of Supervisors up to and including the final hearing on this Appeal and any and all subsequent permitting proceedings or approvals undertaken by the City or any other permitting agency for the Project. PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("*Bakersfield*") (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121; Admin Code § 31.16(b)(4), (5), (6).

Thank you for consideration of this Appeal. We ask that this Appeal Letter be placed in the Administrative Record for the Commuter Shuttle Project, and that Appellants be provided with timely notice of the hearing date set for this Appeal. Admin. Code § 31.16(b)(4).

Sincerely,

Richard T. Drury
Christina M. Caro
Lozeau | Drury LLP

Enclosures

cc. Environmental Review Officer
(pursuant to SF Administrative Code § 31.16(b)(1))

EXHIBIT A

Brandt-Hawley Law Group

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January 21, 2014

Tom Nolan, Chairman
and Members of the Board
San Francisco MTA
via email

Edward D. Reiskin
Director of Transportation
via email

Subject: *SFMTA Board Agenda Item 14*
Adopting Commuter Shuttle Policy and Pilot Program and
Amending the Transportation Code

Dear Chairman Nolan, Members of the Board, and Director Reiskin,

I am writing on behalf of San Francisco resident Sara Short to request that this Board conduct environmental review as required by the California Environmental Quality Act before approving any commuter bus pilot program.

The pilot program being proposed to you relies on a "Class 6" categorical exemption from CEQA. That section allows "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded."

It is easy to understand the reason that CEQA provides a Class 6 exemption. Research and data collection, including "resource evaluation activities," are normally performed by professional staff and do not have environmental impacts. Studies simply provide data from which environmental decisions can be made.

This is different. There are environmental impacts associated with the current problematic commuter buses as well as with the pilot program itself. The complexity of the situation is reflected in the detailed proposed ordinance before you today that recites that it was developed by City staff in collaboration with the businesses that use the commuter buses.

The concerned public has been left out.

Approval of a pilot program that will impact the public and the San Francisco environment is being thrust upon City residents without opportunity for input. The materials before you mention that two alternate pilot programs were considered and rejected by staff. A public CEQA process should explore other possible scenarios that may have fewer environmental impacts -- before you approve a pilot program. The program itself requires analysis and mitigation and consideration of alternatives. This 18-month program appears designed to legitimize the current environmentally-destructive status quo.

What are the potentially significant environmental impacts of the pilot program? You have not been told, and the public has not been told. And because there is a "reasonable possibility" that the program may have significant impacts, categorical exemption is not allowed under CEQA Guideline section 15300.2 (c).

Please defer consideration of this pilot program pending CEQA review.

Thank you.

Sincerely yours,

Susan Brandt-Hawley

EXHIBIT B

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 14-023

WHEREAS, The use of shuttle buses for the purpose of providing commuter shuttle service for the benefit of employees, students and others is a growing means of sustainable transportation in San Francisco and the greater Bay Area; and,

WHEREAS, Shuttle bus service provides significant benefits to the community by replacing single occupant trips with more efficient transportation, contributing to a reduction in parking demand, and supporting the City's goal of having of 50 percent of all trips made by sustainable modes by 2018; and,

WHEREAS, Shuttle bus service currently operating in San Francisco reduces vehicle miles traveled (VMT) in the City by at least 45 million miles annually, and reduces greenhouse gas emissions for trips originating or ending in the City by 11,000 metric tons annually; and,

WHEREAS, The unregulated use of Muni stops by shuttle bus service providers has resulted in unintended adverse impacts, including delaying public transit service, increasing traffic congestion, diverting bicyclists from bicycle lanes into mixed-flow lanes, and diverting motor vehicle traffic into adjacent travel lanes, and preventing public transit vehicles from being able to access the curb in order to load and unload passengers; and

WHEREAS, The SFMTA's lack of complete information about shuttle bus operations, including routes, frequency of service and stops has been a barrier to resolving and preventing conflicts with shuttle service providers' operations, including adverse impacts on Muni service and increased traffic congestion; and

WHEREAS, Inconsistent or inaccurate identification of, and lack of contact information for, shuttle bus service providers has made it difficult for the SFMTA to effectively and timely communicate with shuttle bus service providers to prevent or resolve conflicts and makes enforcement of traffic and parking regulations difficult; and

WHEREAS, Regulation by the SFMTA of stop use by shuttle bus services to provide safe loading and unloading zones for those services, whose cumulative ridership is equivalent to that of a small transit system, is consistent with City's Transit First policy; and

WHEREAS, SFMTA has evaluated the impacts of shuttle service operations on Muni operations and other users of the transportation system and worked with shuttle sponsors and shuttle service providers to develop SFMTA's Commuter Shuttle Policy and Pilot Program to guide SFMTA's implementation and evaluation of a pilot program to authorize commuter shuttle buses to stop in designated Muni stops; and

WHEREAS, Pursuant to Charter Section 16.112, published notice was provided in the City's official newspaper for a five-day period beginning on January 10, 2014, that the Board of Directors will hold a public hearing on January 21, 2014, to consider implementing as an 18 month pilot, a permit program including a permit and use fee for shuttle buses authorized under the program to use designated Muni stops for loading and unloading passengers; and,

WHEREAS, On January 8, 2014, the SFMTA, under the authority delegated by the Planning Department, determined that the proposed Commuter Shuttle Policy and Pilot Program and Transportation Code amendments to implement an 18 month pilot program were exempt from environmental review pursuant to Title 14 of the California Code of Regulations Section 15306 as a Class 6 (Information Collection) categorical exemption, and on January 9, 2014, the City Planning Department issued a concurrence with SFMTA's determination; and,

WHEREAS. The proposed pilot program will provide the opportunity for SFMTA to gather information and collect data on the shuttle services' use of shared Muni stops and the effect of the program on transportation in the City that will help inform future implementation of regulations for shuttle services; and,

WHEREAS, A copy of the SFMTA's determination and the Planning Department's concurrence are on file in the office of the Secretary for the SFMTA Board of Directors, and this approval is the Approval Action as defined by San Francisco Administrative Code Chapter 31; and,

WHEREAS, On January 21, 2014, the SFMTA Board of Directors approved a motion to suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order regarding published notice for implementing as an 18 month pilot, a permit program including a permit and use fee for shuttle buses authorized under the program to use designated Muni stops for loading and unloading passengers; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors adopts the Commuter Shuttle Policy and Pilot Program; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends Transportation Code, Division II, to authorize establishing a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establishing a fee for such permits and penalties for permit violations.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 21, 2014.

R. Boomer

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code – Pilot Permit Program For Shuttle Buses Using Designated Muni Stops]

Resolution amending Division II of the Transportation Code to establish a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers, and establishing fees for such permits.

NOTE: Additions are single-underline Times New Roman; deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 900 of Division II of the Transportation Code is hereby amended by adding Section 914, to read as follows:

Sec. 914. SHUTTLE STOP PERMITS

(a) **Definitions**

As used in this Section 914, the following words and phrases shall have the following meanings:

Designated Stop. An SFMTA bus stop designated by SFMTA as a stop available for loading and/or unloading of passengers by Shuttle Service Providers that have been issued a Shuttle Permit under this Section 914.

Director. The Director of Transportation or his or her designee.

Shuttle Bus. A motor vehicle designed, used or maintained by or for a charter-party carrier of passengers, a passenger stage corporation, or any highway carrier of passengers required to register with the California Public Utilities Commission that is being operated in Shuttle Service.

Shuttle Permit. A permit issued by the SFMTA that authorizes a Shuttle Service Provider to load and/or unload passengers at specified Designated Stops in one or more Shuttle Buses.

Shuttle Placard. A placard issued by SFMTA that is visible from outside the Shuttle Bus at front and rear locations as specified by the SFMTA and that identifies the Shuttle Permit authorizing the Shuttle Bus to use Designated Stops.

Shuttle Service. Transportation by Private Buses offered for the exclusive or primary use of a discrete group or groups, such as clients, patients, students, paid or unpaid staff, visitors, and/or residents, between an organization or entity's facilities or between the organization or entity's facilities and other locations, on a regularly-scheduled basis.

Shuttle Service Provider. Any Person using Shuttle Buses to provide Shuttle Service within the City.

Stop Event. An instance of stopping by a Shuttle Bus at a Designated Stop for the purpose of loading and/or unloading passengers.

(b) **Findings.**

(1) The use of Shuttle Buses for the purpose of providing Shuttle Service is a growing means of transportation in San Francisco and the greater Bay Area.

(2) Shuttle Service provides significant benefits to the community by replacing single occupant trips with more efficient transportation, contributing to a reduction in parking demand, and supporting the City's goal of having of 50 percent of all trips made by sustainable modes by 2018.

(3) Shuttle Service currently operating in San Francisco reduces vehicle miles traveled (VMT) in the City by at least 45 million miles annually, and reduces greenhouse gas emissions from trips originating or ending in the City by 11,000 metric tons annually.

(4) Unregulated use of Muni stops by Shuttle Service Providers has resulted in unintended adverse impacts, including delaying transit bus service, increasing traffic congestion, diverting bicyclists from bicycle lanes into mixed-flow lanes, and diverting motor vehicle traffic into adjacent travel lanes, and preventing transit buses from being able to access the curb in order to load and unload passengers.

(5) The SFMTA's lack of complete information about Shuttle Service operations, including routes, frequency of service and stops has been a barrier to resolving and preventing conflicts with Shuttle Service Providers' operations, including adverse impacts on Muni service and increased traffic congestion.

(6) Inconsistent or inaccurate identification of, and lack of contact information for, Shuttle Service Providers has made it difficult for the SFMTA to effectively and timely communicate with Shuttle Service Providers to prevent or resolve conflicts and makes enforcement of traffic and parking regulations difficult.

(7) Regulation by the SFMTA of stop use by Shuttle Services to provide safe loading and unloading zones for Shuttle Services, whose cumulative ridership is equivalent to that of a small transit system, is consistent with City's Transit First policy.

(8) The pilot program established under this Section 914 is intended to enable SFMTA to evaluate whether shared use of Muni stops by Shuttle Buses is consistent with efficient operation of the City's public transit system.

(c) **General Permit Program Requirements.**

(1) The Director is authorized to implement a pilot program for the issuance of Shuttle Permits beginning on a date designated by the Director. The duration of the pilot program shall not exceed 18 months from the date of commencement designated by the Director.

(2) The Director may issue a Shuttle Permit for the use of Designated Stops upon receipt of an application from a Shuttle Service Provider on a form prescribed by the SFMTA which application meets the requirements of this Section 914.

(3) The Shuttle Permit shall authorize the Shuttle Service Provider to receive a specified number of Shuttle Placards issued by SFMTA.

(4) The Director is authorized to establish up to 200 Designated Stops for the purposes of this pilot program. The Director may establish additional Designated Stops following a public hearing.

(d) **Application Requirements.** Each application for a permit or renewal of a permit shall contain the following information:

(1) The name, business location, telephone number, fax number and email address of the Shuttle Service Provider;

(2) The name, title and contact information of one or more persons representing the Shuttle Service Provider to be notified by SFMTA in the event of a problem or permit violation relating to the Permittee's Shuttle Service;

(3) The total number of Shuttle Buses the Shuttle Service Provider intends to use to deliver Shuttle Service using Designated Stops, and the make, passenger capacity and license plate number of each of its Shuttle Buses that would be authorized, when bearing a Shuttle Placard, to use one or more Designated Stops;

(4) The total number of Shuttle Placards requested;

(5) The number of shuttle routes for which the permit applicant is proposing to provide Shuttle Service, including the frequency of service on each route, the neighborhoods served by each route, the origin and terminus of each route, and the frequency of Shuttle Service on each route. In lieu of a map, the permit applicant may provide a narrative statement describing the routes. The applicant need only identify the route to the extent that it lies within the City. Where the point of origin or termination is outside of the City, the applicant need only provide the county in which the point of origin or termination is located;

(6) A list of the Designated Stops the permit applicant proposes to use on each shuttle route, along with the proposed frequency of use of each Designated Stop per day, resulting in a calculation of the total number of Stop Events per day at Designated Stops; and

(7) Documentation of the Applicant's registration status with the California Public Utilities Commission ("CPUC"), including any Charter Party Carrier ("TCP") authorization or permits, or registration as a private carrier of passengers, and documentation that the Applicant maintains insurance in compliance with the applicable requirements imposed by the CPUC.

(e) **Permit Issuance.** After evaluating an applicant's permit application, the Director shall grant the Permit as requested, or grant the Permit with modifications, or deny the Permit. Where the Permit is granted with modifications or denied, the notice shall explain the basis for the Director's decision. The Director may issue procedures for reviewing the Director's decision upon request of the permit applicant.

(f) **Permit Terms and Conditions.** The Director shall establish terms and conditions for Permits. In addition to any other requirements imposed by the Director, Permits shall include the following terms:

(1) Any Shuttle Bus being operated in Shuttle Service shall be listed on the permit application and shall display a valid SFMTA-issued Shuttle Placard visible from outside the Shuttle Bus at front and rear locations on the Shuttle Bus as specified by the SFMTA, at all times such vehicle is being operated in Shuttle Service in the City. Shuttle Placards may be transferred between any Shuttle Buses in the Shuttle Service Provider's fleet that are listed on the Permit.

(2) A Shuttle Bus bearing valid Shuttle Placards shall be allowed to stop at any Designated Stop subject to the following conditions:

(A) The Shuttle Bus shall give priority to any transit buses that are approaching or departing a Designated Stop;

(B) The Shuttle Bus shall not stop at any Muni stops other than Designated Stops;

(C) The Shuttle Bus shall use Designated Stops only for active loading or unloading of passengers, and such loading and unloading shall be conducted as quickly as possible without compromising the safety of passengers, pedestrians, bicyclists or other motorists;

(D) Loading and unloading of passengers shall not take place in, or impede travel in, a lane of traffic or bicycle lane.

(3) A Shuttle Permit and Shuttle Placard shall not exempt a Shuttle Bus from any other Parking restrictions or traffic regulations except as authorized by this Section 914, and a Shuttle Bus stopping or parking at any Muni stop, including a Designated Stop, in violation of the terms and conditions set forth in this Subsection (f) may be cited for violation of California Vehicle Code Section 22500(i).

(4) The Permittee shall comply with all applicable federal, state and local laws, including this Code, the California Vehicle Code and CPUC requirements, including those for registration, insurance, vehicle inspection and regulation of drivers;

(5) The Permittee shall equip each Shuttle Bus with an on-board device capable of providing real-time location data to the SFMTA in accordance with specifications issued by the Director, and shall maintain a continuous feed of the specified data at all times when the Shuttle Bus is being used to provide Shuttle Service within the City. The Permittee shall begin providing a continuous feed of such data to the SFMTA on the first day that the Permittee begins providing Shuttle Service under the Permit unless the Director establishes an alternate date. Notwithstanding the foregoing requirements stated in this subsection (f)(5), if the Permittee is unable to provide the required data in accordance with specifications issued by the Director, the Permittee shall install an on-board device (OBD) prescribed by the SFMTA in each Shuttle Bus. The SFMTA shall not be responsible for any equipment, or for the failure of any equipment, installed inside any Shuttle Bus for any reason, including for the purpose of complying with this Section 914. If a Shuttle Bus becomes unable to provide the required data for any reason, Permittee shall not operate that Shuttle Bus in Shuttle Service without first notifying SFMTA of the identity of the bus, the route affected and the time at which Permittee expects the data transmission to be restored. To facilitate SFMTA's

monitoring of Shuttle Bus operations, the Director may issue regulations limiting the duration that a Shuttle Bus may operate in Shuttle Service without being able to provide the required data.

(6) The Permittee shall, in a timely manner and as otherwise required by law, pay all traffic and parking citations issued to its Shuttle Buses in the course of providing Shuttle Service, subject to the Permittee's right under applicable law to contest such citations.

(7) Where the Director determines that the continued use of a particular Shuttle Bus listed on a Shuttle Provider's permit application would constitute a risk to public safety, the Director shall notify the Shuttle Provider in writing, and said Shuttle Bus shall immediately be ineligible to use any Designated Stops unless and until the Shuttle Provider has proven to the satisfaction of the Director that the Shuttle Bus no longer constitutes a risk to public safety.

(g) **Duration of Shuttle Permit.** Shuttle Permits initially issued under this Section shall expire six months from the date of commencement of the pilot program designated by the Director pursuant to subsection (c)(1), unless a shorter term is requested by the Permittee, the Permit is revoked, or the Director for good cause finds a shorter term is warranted. Permits issued or renewed on or after that six months' date shall expire 18 months from the date of program commencement, unless a shorter term is requested by the Permittee, the Permit is revoked or the Director for good cause finds a shorter term is required.

(h) **Fees.**

(1) Shuttle Service Providers shall pay a Designated Stop use and permit fee as set forth below. The fee is intended to cover the cost to SFMTA of permit program implementation, administration enforcement and evaluation. The Designated Stop use fee component shall be determined by multiplying the total number of anticipated daily Stop Events stated in the permit application by the per stop fee set forth below. The Director is authorized, in his or her discretion, to impose pro-rated Designated Stop use fees where a Shuttle Service Provider applies for a permit or permit modification following date of commencement of the pilot program.

(2) The Designated Stop use and permit fees shall be $1 per Stop Event.

(3) Permittees shall be billed for the Designated Stop use and permit fee upon issuance or renewal of the Permit. The Designated Stop use and permit fee shall be due and payable within 30 days from the date of invoice. Fees remaining unpaid 30 days after the date of invoice shall be subject to a 10 percent penalty plus interest at the rate of one percent per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

(4) SFMTA shall reconcile the number of Stop Events for each Shuttle Service Provider against the actual stop data provided to the SFMTA on a semi-annual basis, but reserves the right to conduct such reconciliation on a more frequent basis if necessary. Where the SFMTA determines that a Shuttle Service Provider has used Designated Stops more frequently than authorized under the Provider's Permit, the Provider shall pay the additional Designated Stop use fee due. Where SFMTA determines that the Permittee's use of Designated Stops exceeds the authorized number of daily Stop Events by 10 percent or more, the Provider shall pay the additional Designated Stop use fee due, plus a 10 percent penalty. All such fees shall be due within 30 days from the date of invoice. Fees remaining unpaid after that date shall be subject to interest at the rate of one percent per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

(i) **Grounds for suspension or revocation:**

(1) The Director may suspend or revoke a permit issued under this Section 914 upon written notice of revocation and opportunity for hearing. The Director is authorized to promulgate hearing and review procedures for permit suspension and revocation proceedings. Upon revocation or suspension, the Shuttle Service Provider shall surrender such Permit and the Shuttle Placards authorized under the Permit in accordance with the instructions in the notice of suspension or revocation.

(2) Where the Director determines that public safety is at risk, or where the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public

Utilities Code or the California Vehicle Code, the Director is authorized to suspend a permit issued under this Section 914 immediately upon written notice of suspension to the Permittee, provided that the Director shall provide the Permittee with the opportunity for a hearing on the suspension within five business days of the date of notice of suspension.

(3) A permit issued under this Section 914 may be suspended or revoked under this paragraph following the Director's determination after an opportunity for hearing that:

(A) the Permittee has failed to abide by any permit condition;

(B) the Permittee knowingly or intentionally provided false or inaccurate information on a permit application;

(C) one or more of Permittee's Shuttle Buses have, in the course of providing Shuttle Service, repeatedly and egregiously violated parking or traffic laws;

(D) the Permittee's continued operation as a Shuttle Service Provider would constitute a public safety risk; or

(E) the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public Utilities Code or the California Vehicle Code.

(j) **Administrative Penalties.**

(1) This Section shall govern the imposition, assessment and collection of administrative penalties imposed for violations of permit conditions set forth under Subsection 914(f).

(2) The SFMTA Board of Directors finds:

(A) That it is in the best interest of the City, its residents, visitors and those who travel on City streets to provide an administrative penalty mechanism for enforcement of Shuttle Bus permit conditions; and

(B) That the administrative penalty scheme established by this section is intended to compensate the public for the injury or damage caused by Shuttle Buses being operated in violation of the permit conditions set forth under Subsection 914(f). The administrative penalties authorized

under this section are intended to be reasonable and not disproportionate to the damage or injury to the City and the public caused by the prohibited conduct.

(C) The procedures set forth in this Section are adopted pursuant to Government Code Section 53069.4 which governs the imposition, enforcement, collection, and administrative review of administrative citations and fines by local agencies, and pursuant to the City's home rule power over its municipal affairs.

(3) Any Service Provider that is operating a Shuttle Bus in violation of the permit conditions set forth under Subsection 914(f) may be subject to the issuance of a citation and imposition of an administrative penalty under this Subsection 914(j).

(4) Administrative penalties may not exceed $250 for each violation. In determining the amount of the penalty, the officer or employee who issued the citation may take any or all of the following factors into consideration:

(A) The duration of the violation;

(B) The frequency, recurrence and number of violations by the same violator;

(C) The seriousness of the violation;

(D) The good faith efforts of the violator to correct the violation;

(E) The economic impact of the fine on the violator;

(F) The injury or damage, if any, suffered by any member of the public;

(G) The impact of the violation on the community;

(H) The amount of City staff time expended investigating or addressing the violation;

(I) The amount of fines imposed by the charging official in similar situations;

(J) Such other factors as justice may require.

(5) The Director of Transportation is authorized to designate officers or employees of the Municipal Transportation Agency to issue citations imposing administrative penalties for violations

of the permit conditions set forth in Subsection 914(f), hereafter referred to as the "Charging Official."

(6) Administrative Citation. A Charging Official who determines that there has been a violation of the permit conditions set forth in Subsection 914(f), may issue an administrative citation to the Shuttle Service Provider permitted under this Section 914. The Charging Official shall either serve the citation personally on the Shuttle Service Provider or serve it by certified U.S. mail sent to the address indicated on the Shuttle Service Provider's permit application.

(7) The citation shall contain the following information: the name of the person or entity cited; the date, time, address or location and nature of the violation; the date the citation is issued; the name and signature of the Charging Official; the amount of the administrative penalty, acceptable forms of payment of the penalty; and that the penalty is due and payable to the SFMTA within 15 business days from (A) the date of issuance of the citation if served personally, or (B) the date of receipt of the citation if served by certified U.S. Mail. The citation shall also state that the person or entity cited that it has the right to appeal the citation, as provided in Subsection 914(j).

(8) Request for Hearing; Hearing.

(A) A person or entity may appeal the issuance of a citation by filing a written request with the SFMTA Hearing Division within 15 business days from (i) the date of the issuance of a citation that is served personally or (ii) the date of receipt if the citation is served by certified U.S. Mail. The failure of the person or entity cited to appeal the citation shall constitute a failure to exhaust administrative remedies and shall preclude the person or entity cited from obtaining judicial review of the validity of the citation.

(B) At the time that the appeal is filed, the appellant must deposit with the SFMTA Hearing Division the full amount of the penalty required under the citation.

(C) The SFMTA Hearing Division shall take the following actions within 10 days of receiving an appeal: appoint a hearing officer, set a date for the hearing, which date shall be no less

than 10 and no more than 60 days from the date that the appeal was filed, and send written notice of the hearing date to the appellant and the Charging Official.

(D) Upon receiving notice that the SFMTA Hearing Division has scheduled a hearing on an appeal, the Charging Official shall, within three City business days, serve the hearing officer with records, materials, photographs, and other evidence supporting the citation. The hearing officer may grant a request to allow later service and may find good cause to continue the hearing because of the delay.

(E) The hearing officer shall conduct all appeal hearings under this Chapter and shall be responsible for deciding all matters relating to the hearing procedures not otherwise specified in this Section. The Charging Official shall have the burden of proof in the hearing. The hearing officer may continue the hearing at his or her own initiative or at the request of either party, and may request additional information from either party to the proceeding. The hearing need not be conducted according to technical rules of evidence and witnesses. Any relevant evidence is admissible if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

(F) The following provisions shall also apply to the appeal procedure:

(i) A citation that complies with the requirements of Section 914(j)(7) and any additional evidence submitted by the Charging Official shall be prima facie evidence of the facts contained therein;

(ii) The appellant shall be given the opportunity to present evidence concerning the citation; and

(iii) The hearing officer may accept testimony by declaration under penalty of perjury relating to the citation from any party if he or she determines it appropriate to do so.

(iv) After considering all of the testimony and evidence submitted by the parties, the hearing officer shall issue a written decision upholding, modifying or vacating the citation and shall set forth the reasons for the determination. This shall be a final administrative determination.

(v) If the hearing officer upholds the citation, the hearing officer shall inform the appellant of its right to seek judicial review pursuant to California Government Code Section 53069.4. If the citation is upheld the City shall retain the amount of the fine that the appellant deposited with the City.

(vi) If the hearing officer vacates the citation, the City shall promptly refund the deposit. If the hearing officer partially vacates the citation, the City shall promptly refund that amount of the deposit that corresponds to the hearing officer's determination. The refund shall include interest at the average rate earned on the City's portfolio for the period of time that the City held the deposit as determined by the Controller.

(G) Any person aggrieved by the action of the hearing officer taken pursuant to this Chapter may obtain review of the administrative decision by filing a petition for review in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

(H) If a final order of a court of competent jurisdiction determines that the SFMTA has not properly imposed a fine pursuant to the provisions of this Section, and if the fine has been deposited with the SFMTA as required by Section 914(j)(8)(B), the SFMTA shall promptly refund the amount of the deposited fine, consistent with the court's determination, together with interest at the average rate earned on the City's portfolio.

(9) Administrative penalties shall be deposited in the Municipal Transportation Fund and may be expended only by the SFMTA.

Section 2. Effective Date. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance

Section 3. Scope of Ordinance. In enacting this ordinance, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
DAVID A. GREENBURG
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 21, 2014.

R. Boomer
_____
Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

SAN FRANCISCO
PLANNING DEPARTMENT

ENVIRONMENTAL EVALUATION APPLICATION COVER MEMO - PUBLIC PROJECTS ONLY

In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.

Please attach this memo along with all necessary materials to the Environmental Evaluation Application.

Project Address and/or Title:	Employer Shuttle Pilot Project
Funding Source (MTA only):	
Project Approval Action:	SFMTA Board
Will the approval action be taken at a noticed public hearing? ☑ YES* ☐ NO * If YES is checked, please see below.	

IF APPROVAL ACTION IS TAKEN AT A NOTICED PUBLIC HEARING, INCLUDE THE FOLLOWING CALENDAR LANGUAGE:

End of Calendar: CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code If the Commission approves an action identified by an exemption or negative declaration as the Approval Action (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA decision prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at http://sf-planning.org/index.aspx?page=3447. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

Individual calendar items: This proposed action is the Approval Action as defined by S.F. Administrative Code Chapter 31.

THE FOLLOWING MATERIALS ARE INCLUDED:

- ☐ 2 sets of plans (11x17)
- ☑ Project description
- ☐ Photos of proposed work areas/project site
- ☐ Necessary background reports (specified in EEA)
- ☐ MTA only: Synchro data for lane reductions and traffic calming projects

SFMTA
Municipal
Transportation
Agency

January 7, 2014

Jeanie Poling
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: The San Francisco Commuter Shuttle Pilot Program Establishment, CEQA Determination

Dear Ms. Poling:

The SFMTA is proposing to establish an 18-month Commuter Shuttle Pilot Program that would allow private commuter shuttles to use selected existing Muni bus stops for passenger pick-up and drop-off. The proposal would apply to shuttle services that serve commuters to, from, and within San Francisco. This proposal would not include recreational buses, airport shuttles, long-distance interurban buses, or vanpool vehicles. Participation would require a permit from the SFMTA.

The Commuter Shuttle Pilot Program is intended to increase safety for the users of all modes of transportation, including pedestrians, bicyclists, public transit riders, and private vehicle drivers as shuttles would operate according to agreed-upon guidelines. This program would reduce conflict with Muni operations as the shuttles would only use designated Muni stops deemed appropriate and designated by SFMTA staff. The program would reduce conflicts between shuttles and bicycles and vehicular traffic, and would support commuter use of sustainable non-single occupancy vehicles. The program would benefit the shuttle service sponsors by formalizing and facilitating the current practice of the use of Muni stops by shuttles.

There are approximately 200 locations throughout the City that the shuttle providers use, many of which are Muni bus stops. The SFMTA would solicit applications from shuttle sponsors for the purpose of determining which stops should become shared Muni-shuttle stops. The SFMTA would evaluate these proposed stops based on operational and engineering considerations to select approximately 200 shared Muni stops, distributed throughout the City, and would designate them for shared Muni and shuttle use.
As of August 2013, there were 48 known shuttle providers (19 regional and 29 intra-city) including the employers/institutions that offer the services as well as vendors who operate the services. There are about 350 shuttle vehicles operating in San Francisco on an average weekday. Together, the shuttle sector provides approximately 35,000 boardings on an average weekday, most of these during the peak morning and peak evening hours. Together, the commuter shuttles reduce at least 45 million vehicle miles travelled and 671,000 metric tons of carbon annually.

The vehicle size of the shuttles varies given the service needs and the number of riders utilizing the service. Most of the intra-city shuttles range in size from approximately 26 feet in length to approximately 32 feet in length and carry between 10 and 28 passengers. Most of the regional shuttle providers use motor coaches that are 40 to 45 feet in length and can carry 40 to 80 passengers.

The maximum shuttle boarding time is not expected to exceed one minute at the shared bus stops. The operating guidelines to be followed by the shuttle providers would minimize conflicts with Muni operations. Shuttle providers would be required to give priority to all Muni buses, would stop only at designated Muni stops, would prohibit loading and unloading in a traffic or bicycle lane, and would require the shuttles to pull all the way to the front of the bus stop to leave room for Muni or other shuttles in the bus zone. The SFMTA would use a sticker or other signage at the Muni bus stops to designate approved use by participating shuttle partners.

The SFMTA will evaluate the pilot program to assess how well it addresses conflicts between Muni and private commuter shuttles, and how well it encourages and facilitates shuttle operation, as well as environmental benefits.

The SFMTA will collect information from shuttle providers such as vehicle and fuel type, ridership, and shuttle miles traveled from shuttle providers for the environmental benefits assessment.

The SFMTA will conduct before and after field data observations on sample stops to compare shuttle operations and impacts on other users. The SFMTA will track the following data through auditing GPS feeds, enforcement reports, 311 complaints and requests, field observations, citations, and other communications to the SFMTA:

- Complaints about shuttle activities, including from Muni operators
- Incidents of shuttle-Muni, shuttle-shuttle, and shuttle-other user conflicts
- Violations of operating guidelines by shuttle operators
- Citations issued

The SFMTA will also evaluate the program's structure, administration, enforcement, and actual costs.

Because the Pilot Project will not result in a serious or major disturbance to an environmental resource and is reversible, we feel this pilot project is categorically exempt from CEQA under Class 6, Information Collection. Please let us know if you concur with this determination.

Sincerely,

Jerry Robbins
Transportation Planning Manager

SAN FRANCISCO
PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
SFMTA Commuter Shuttle Pilot Program			
Case No.	Permit No.	Plans Dated	
2013.1591E			
☐ Addition/ Alteration	☐ Demolition (requires HRER if over 50 years old)	☐ New Construction	☐ Project Modification (GO TO STEP 7)

Project description for Planning Department approval.

Eighteen-month pilot project to allow private commute shuttles to use selected Muni bus stops for passenger pick-up and drop-off.

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an *Environmental Evaluation Application* is required.	
☐	**Class 1 – Existing Facilities.** Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
☐	**Class 3 – New Construction.** Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
☑	Class 6 - Information Collection

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.	
☐	**Transportation:** Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
☐	**Air Quality:** Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? *(refer to EP _ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)*
☐	**Hazardous Materials:** Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

☐	**Soil Disturbance/Modification:** Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)*
☐	**Noise:** Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)*
☐	**Subdivision/Lot Line Adjustment:** Does the project site involve a subdivision or on a lot with a slope average of 20% or more? *(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)*
☐	**Slope = or > 20%: :** Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? *Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)* **If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required**
☐	**Seismic: Landslide Zone:** Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? *Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required**
☐	**Seismic: Liquefaction Zone:** Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? *Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)* **If box is checked, a geotechnical report will likely be required**
☐	**Serpentine Rock:** Does the project involve any excavation on a property containing serpentine rock? *Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)*
If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an *Environmental Evaluation Application* is required.	
☐	**Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.**
Comments and Planner Signature (*optional*):	

STEP 3: PROPERTY STATUS – HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: *(refer to Parcel Information Map)*	
☐	**Category A:** Known Historical Resource. **GO TO STEP 5.**
☐	**Category B:** Potential Historical Resource (over 50 years of age). **GO TO STEP 4.**
☑	**Category C:** Not a Historical Resource or Not Age Eligible (under 50 years of age). **GO TO STEP 6.**

STEP 4: PROPOSED WORK CHECKLIST

TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
☐	1. **Change of use and new construction.** Tenant improvements not included.
☐	3. **Regular maintenance or repair** to correct or repair deterioration, decay, or damage to building.
☐	4. **Window replacement** that meets the Department's *Window Replacement Standards*. Does not include storefront window alterations.
☐	5. **Garage work.** A new opening that meets the *Guidelines for Adding Garages and Curb Cuts*, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
☐	6. **Deck, terrace construction, or fences** not visible from any immediately adjacent public right-of-way.
☐	7. **Mechanical equipment installation** that is not visible from any immediately adjacent public right-of-way.
☐	8. **Dormer installation** that meets the requirements for exemption from public notification under *Zoning Administrator Bulletin No. 3: Dormer Windows*.
☐	9. **Addition(s)** that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
☐	Project is not listed. **GO TO STEP 5.**
☐	Project **does not conform** to the scopes of work. **GO TO STEP 5.**
☐	Project involves **four or more** work descriptions. **GO TO STEP 5.**
☐	Project involves **less than four** work descriptions. **GO TO STEP 6.**

STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW

TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
☐	1. Project involves a **known historical resource (CEQA Category A)** as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
☐	2. **Interior alterations to publicly accessible spaces.**
☐	3. **Window replacement** of original/historic windows that are not "in-kind" but are consistent with existing historic character.
☐	4. **Façade/storefront alterations** that do not remove, alter, or obscure character-defining features.
☐	5. **Raising the building** in a manner that does not remove, alter, or obscure character-defining features.
☐	6. **Restoration** based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
☐	7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right-of-way and meet the *Secretary of the Interior's Standards for Rehabilitation*.

☐	8. **Other work consistent with the** *Secretary of the Interior Standards for the Treatment of Historic Properties* (*specify or add comments*):
☐	9. **Reclassification of property status** to Category C. *(Requires approval by Senior Preservation Planner/Preservation Coordinator)* a. Per HRER dated: _____ *(attach HRER)* b. Other *(specify)*:
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
☐	**Further environmental review required.** Based on the information provided, the project requires an *Environmental Evaluation Application* to be submitted. **GO TO STEP 6.**
☐	**Project can proceed with categorical exemption review.** The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**
Comments (*optional*):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

☐	**Further environmental review required.** Proposed project does not meet scopes of work in either *(check all that apply)*: ☐ Step 2 – CEQA Impacts ☐ Step 5 – Advanced Historical Review **STOP! Must file an *Environmental Evaluation Application.***	
☑	**No further environmental review is required. The project is categorically exempt under CEQA.**	
	Planner Name:	**Signature or Stamp:** Jean Poling Digitally signed by Jean Poling DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=ENVIRON, ou=Major Environmental Analysis, cn=Jean Poling, email=jeanie.poling@sfgov.org Date: 2014.01.10 11:41:32 -08'00'
	Project Approval Action: SFMTA Bd. public hearing *If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	

File 140143

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Via Electronic Mail and Overnight Mail

President David Chiu
c/o Ms. Angela Calvillo, Clerk of the Board
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Re: Appeal of SFMTA Resolution No. 14-023, CEQA Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program and amending Transportation Code, Division II, and Approval of Motion to Suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order Regarding Published Notice (January 21, 2014)

Dear President Chiu and Honorable Members of the Board of Supervisors:

I am writing on behalf of Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club ("Milk Club"), Service Employees International Union Local Union 1021 ("SEIU Local 1021"), and the San Francisco League of Pissed Off Voters (collectively, "Appellants"), concerning the San Francisco Municipal Transportation Authority ("SFMTA") Commuter Shuttle Policy and Pilot Program and proposed amendments to Transportation Code, Division II, to authorize establishing a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establishing a fee for such permits and penalties for permit violations (collectively, "Project" or "Shuttle Project).

We urge the Board to require review of the Project under the California Environmental Quality Act ("CEQA"). CEQA review would allow the City to analyze the Project's impacts on displacement, air quality, traffic, pedestrian safety, noise, cancer, and other impacts, and to consider feasible mitigation measures and alternatives. Feasible mitigation measures and alternatives could include funding for anti-displacement efforts, pollution controls for buses,

consideration of alternative stop locations that would reduce interference with MUNI, traffic, and pedestrians, enhanced signalization, and other measures. Because SFMTA decided to exempt the Project entirely from all CEQA review, none of this analysis has occurred.

Also, as discussed below, the Shuttle Project as proposed violates the State Vehicle Code, which prohibits public buses from stopping on "red zones." As such, the Project as proposed is preempted entirely by State law.

Finally, as discussed below, the Shuttle Project violates Government Code section 11135 because it has discriminatory impacts. The Project results in the displacement of low-income communities of color by wealthy, largely white tech workers. This is essentially the opposite of affirmative action school busing. Rather than low-income children of color being bused to wealthier neighborhoods with high quality schools, the Shuttle Project buses wealthy white adults into low-income communities of color where they displace local residents. This discriminatory impact violates Section 11135.

For all of these reasons we ask the Board of Supervisors to reject the Shuttle Program, at least until full CEQA review is conducted with an opportunity for public review and comment.

I. PARTIES

Sara Shortt is a San Francisco resident who is directly affected by the Shuttle Project. The Milk Club is San Francisco's largest Democratic Club. The Club works within the Democratic Party and elsewhere to bring the issue of Lesbian / Gay / Bisexual / Transgender rights to the forefront of political campaigns; to lobby for legislation which upholds the rights of Lesbians, Gays, Bisexuals, Transgendered and other peoples; and encourages and supports the election and appointment of Lesbians, Gays, Bisexuals, and Transgendered people to public office. SEIU Local 1021 is a non-profit public and private service employees' union with over 6000 members living in the City and County of San Francisco. The San Francisco League of Pissed Off Voters is a volunteer-based organization with members that live, work, and commute in and around San Francisco. Ms. Shortt, along with members of the Milk Club, SEIU Local 1021, and San Francisco League of Pissed Off Voters live within the areas of displacement, traffic, and air quality impacts of the Shuttle Project, and regularly use public thoroughfares and public transportation in areas that will be impacted by the Project.

II. SUMMARY

A. THE CEQA EXEMPTION IS IMPROPER. AN EIR IS REQUIRED TO ANALYZE THE IMPACTS OF THE SHUTTLE BUS PROJECT AND TO ANALYZE MITIGATION MEASURES AND ALTERNATIVES.

1. INFORMATION COLLECTION CATEGORICAL EXEMPTION DOES NOT APPLY AS A MATTER OF LAW.

SFMTA found that the Commuter Shuttle Project is exempt entirely from all CEQA review pursuant to the "Class 6" "Information Collection" CEQA exemption, which is set forth at 14 Cal.Code Regs. §15306. The exemption states that no CEQA review is required for:

> "basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded."

The Class 6 exemption is plainly intended to exempt scientific research projects. Common examples include scientific research projects involving test wells, water quality surveys, and similar limited research.

The City has expanded the exemption far beyond any reasonable interpretation by applying it to a full-scale commuter shuttle program involving over 200 hundred stops throughout the City and moving over 35,000 people each day. This goes far beyond "basic data collection" or "research."

Furthermore, the Class 6 exemption does not apply if the activity will "result in a serious or major disturbance to an environmental resource." Expert analysis shows that the Commuter Shuttle Project has significant impacts on air quality, pedestrian safety, and displacement (see below). As such, the Class 6 exemption does not apply by its own terms.

2. THE SHUTTLE BUS PROJECT MAY NOT BE EXEMPTED FROM CEQA REVIEW BECAUSE THE PROJECT WILL HAVE SIGNIFICANT IMPACTS.

The Commuter Shuttle Project cannot be exempted from CEQA review because, "an activity that may have a significant effect on the environment cannot be categorically exempt." *Salmon Protectors v. County of Marin* (2004)

125 Cal.App.4th 1098, 1107. Expert evidence will show that the Project has significant adverse impacts in the following areas:

a. **Air Quality**: Diesel engine exhaust causes increased cancer risk at residences near certain shuttle stops well above the 10 per million CEQA significance threshold adopted by the Bay Area Air Quality Management District (BAAQMD) CEQA significance threshold of 10 per million. (See, Exhibit A).

b. **Displacement**: Several studies have shown that the Commuter Shuttle Project results in displacement of low and moderate-income residents by higher-income shuttle riders. Studies show that rents near shuttle stops rise much faster than in other areas. (See, Exhibit B). CEQA provides that displacement is a significant impact that must be analyzed in an EIR. (CEQA Guidelines Appendix G, Section XII: "Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.")).

c. **Pedestrian/Bicycle Safety**: The large commuter shuttles often block MUNI stops, bike lanes and cross-walks, forcing pedestrians boarding buses and crossing streets into traffic lanes. This has resulted in increased pedestrian and bicycle safety impacts. (See, Exhibit C).

d. **Noise**: Expert analysis from Human Impact Partners concludes that the Shuttle Project will have noise impacts well above applicable significance thresholds. (See, Exhibit D).

Since the Project will have significant adverse impacts, those impacts must be analyzed and mitigated in a CEQA document and the CEQA exemption is improper.

B. THE STATE VEHICLE CODE PREEMPTS THE CITY PROGRAM.

The California Vehicle Code preempts San Francisco's Commuter Shuttle Project. Vehicle code §22500 states:

> "No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places...(i) Except as provided under Section 22500.5[1], alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common

[1] Section 22500.5 provides a single exception for school buses.

> carrier in local transportation when indicated by a sign or red paint on the curb erected or painted by local authorities pursuant to an ordinance."

Section 42001.5 imposes a minimum $250 fine on a person "convicted" of violating 22500. 42001.5(b) provides that the fine cannot be suspended, except that the court can waive anything above $100. In other words the minimum fine allowed under state law is $100.

The City's Commuter Shuttle Project allows private shuttle operators to use public bus stops if they make a payment of $1. The City has effectively made it lawful for certain operators to use the public bus stops if they pay $1 – in violation of state law.

The California Supreme Court has held that cities (including charter cities) may not enact ordinances that violate the State Vehicle code. *O'Connell v. City of Stockton* (2007) 41 Cal. 4th 1061, 1074. The Supreme Court noted that Vehicle Code section 21 states: "Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized herein."

Since the Commuter Shuttle Project expressly allows private buses to stop in public bus stops, and since this action is expressly prohibited by State law, the City policy is preempted by state law and is unlawful.

C. PROGRAM HAS DISCRIMINATORY IMPACTS THAT VIOLATE GOV. CODE 11135.

California Government code section 11135 prohibits discrimination in public and private sector "programs and activities" that receive state financial assistance. Section 11135 prohibits activities that have a discrimination impact, even if there is no discriminatory intent:

> "No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Notwithstanding Section 11000, this section applies to the California State University."

The statute by its terms prohibits (1) discrimination based on any of ten factors; (2) in programs or activities that (a) are conducted, operated or administered by the state; (b) funded directly by the state; or (c) receive any financial assistance from the state. (See, Cal. Code Regs., tit. 22, § 98100, 98101, 98010.)

SFMTA receives funding from the State, and Government Code 11135 therefore applies to SFMTA. The Commuter Shuttle Project has a discriminatory impact by displacing lower income communities of color and replacing them with tech workers who are overwhelmingly white and wealthy. This is in effect the opposite of affirmative action school busing. Rather than busing low-income children of color to wealthy white neighborhoods with good schools, this program buses wealthy white adults into communities of color where they displace the low-income residents of color. As such, the program violates Government Code §11135.

III. CEQA ANALYSIS

Pursuant to San Francisco Administrative Code ("Admin. Code") Section 31.16, Appellants appeal the January 21, 2014 decision of SFMTA approving Resolution No. 14-023, including but not limited to (1) SFMTA's approval of the Project; (2) approval of the January 8, 2014 SFMTA determination that the Project is exempt from environmental review pursuant to Title 14 of the California Code of Regulations ("CEQA Guidelines") Section 15306 as a Class 6 (Information Collection) categorical exemption ("SFMTA CEQA Determination"); (3) approval of the January 9, 2014 City Planning Department concurrence with SFMTA's CEQA Determination ("CEQA Concurrence"); and (4) the approval of a motion to suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order regarding published notice for implementing the Project (collectively, "Approval Action"). Pursuant to Admin. Code Section 31.16(b)(1), true and correct copies of Resolution No. 14-023 and the related SFMTA CEQA Determination and CEQA Concurrence are attached hereto as Exhibit B. Pursuant to Admin Code Section 31.16(b)(1), a copy of this Appeal Letter is simultaneously being submitted to the Environmental Review Officer.

A. CEQA Review is Required to Analyze the Environmental Impacts of the Shuttle Project and to Propose Mitigation Measures and Alternatives.

1. Legal Standard.

CEQA mandates that "the long-term protection of the environment...shall be the guiding criterion in public decisions" throughout California. PRC § 21001(d). A "project" is "the whole of an action" directly undertaken, supported,

or authorized by a public agency "which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." PRC § 21065; CEQA Guidelines, 14 CCR § 15378(a). For this reason, CEQA is concerned with an action's ultimate "impact on the environment." *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283. CEQA requires environmental factors to be considered at the "earliest possible stage . . . before [the project] gains irreversible momentum," Id. 13 Cal.3d at 277, "at a point in the planning process where genuine flexibility remains." *Sundstrom v. Mendocino County* (1988) 202 Cal.App.3d 296, 307.

To achieve its objectives of environmental protection, CEQA has a three-tiered structure. 14 CCR § 15002(k); *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185-86 *("Hollywoodland")*. First, if a project falls into an exempt category, or it can be seen with certainty that the activity in question will not have a significant effect on the environment, no further agency evaluation is required. *Id.* Second, if there is a possibility the project will have a significant effect on the environment, the agency must perform an initial threshold study. *Id.*; 14 CCR § 15063(a). If the study indicates that there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment the agency may issue a negative declaration. *Id.*, 14 CCR §§ 15063(b)(2), 15070. Finally, if the project will have a significant effect on the environment, an environmental impact report ("EIR") is required. *Id.* Here, since the City exempted the Shuttle Project from CEQA entirely, we are at the first step of the CEQA process.

a. CEQA Exemptions.

CEQA identifies certain classes of projects which are exempt from the provisions of CEQA. These are called categorical exemptions. 14 CCR §§ 15300, 15354. "Exemptions to CEQA are narrowly construed and "'[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.'" (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 125.) In this case, the City is relying on the Class 6 CEQA Exemption for "Information Collection." (14 Cal. Code Regs. §15306).

The determination as to the appropriate scope of a categorical exemption is a question of law subject to independent, or de novo, review. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.*, (2006) 139 Cal. App. 4th 1356, 1375 ("[Q]uestions of interpretation or application of the requirements of CEQA are matters of law. (Citations.) Thus, for example, interpreting the scope of a CEQA exemption presents 'a question of law, subject to de novo review by this court.' (Citations).")

There are several exceptions to the categorical exemptions. 14 CCR § 15300.2. At least three exceptions are relevant here:

(1) Significant Effects. A project may never be exempted from CEQA if there is a "fair argument" that the project may have significant environmental impacts due to "unusual circumstances." 14 CCR §15300.2(c). The Supreme Court has held that since the agency may only exempt activities that do not have a significant effect on the environment, a fair argument that a project will have significant effects precludes an exemption. *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 204.

(2) Serious or Major Disturbance to an Environmental Resource: Class 6 itself is qualified in that the exemption states that it does not apply to any activities that "result in a serious or major disturbance to an environmental resource."

(3) Cumulative Impacts. A project may not be exempted from CEQA review "when the cumulative impact of successive projects of the same type in the same place, over time is significant."

2. The Class 6 Exemption Does not Apply as a Matter of Law.

SFMTA found that the Commuter Shuttle Project is exempt entirely from all CEQA review pursuant to the "Class 6" "Information Collection" CEQA exemption, which is set forth at 14 Cal.Code Regs. §15306. The exemption states that no CEQA review is required for:

> "basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded."

The Class 6 exemption is plainly intended to exempt scientific research projects. Common examples include scientific research projects involving test wells, water quality surveys, and similar limited research. (See examples of Class 6 exemptions at Exhibit E).

The City has expanded the exemption far beyond any reasonable interpretation of "Information Collection." The Shuttle Project goes far beyond "basic data collection, research, experimental management and resource evaluation." The City has ignored CEQA's mandate that "[e]xemptions to CEQA

are narrowly construed and "'[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.'" (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 125.)

The Shuttle Project is not mere "data collection" or "scientific research." The City is allowing private shuttles to operate in violation of State law, at over 200 stops throughout the City, ferrying over 35,000 people per day. There is no reasonable interpretation of this as mere "information collection." Perhaps if the City were to allow one or two shuttle routes to operate in order to measure the air pollution, traffic and other impacts, such a limited program might be deemed "basic data gathering." But allowing a full shuttle program to operate on a scale that is larger than many transit programs for small cities cannot reasonably be called a "scientific research" project.

Furthermore, by its terms, the Class 6 exemption does not apply when the project will "result in a serious or major disturbance to an environmental resource." As discussed below, the Shuttle Project will have significant impacts on air quality, cancer risk, displacement, traffic, pedestrian and bicycle safety, as well as other impacts. As such, the exemption does not apply on its own terms.

3. The Project will have Significant Environmental Impacts, Precluding Reliance on the Categorical Exemption.

CEQA and its regulations provide that certain projects may be exempt. However, ***"[a]n activity that may have a significant effect on the environment cannot be categorically exempt."*** *Salmon Protectors v. County of Marin* (2004) 125 Cal.App.4th 1098, 1107; *Azusa Land Reclamation v. Main San Gabriel Basin* (1997) 52 Cal.App.4th 1165, 1191, 1202. CEQA's unique "fair argument" standard applies when reviewing a CEQA exemption. Under the "fair argument" standard, an agency is precluded from relying on a categorical exemption when there is a fair argument that a project will have a significant effect on the environment. *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* ("*Bankers Hill*") (2006) 139 Cal. App. 4th 249, 266. In other words, "where there is any reasonable possibility that a project or activity may have a significant effect on the environment, an exemption would be improper." *Id.*; *Dunn-Edwards Corp.*, 9 Cal.App.4th at 654-655.

Under these principles, there is no CEQA exemption that can reasonably apply to the Commuter Shuttle Project, because there is a fair argument that the Project will result in significant environmental impacts, including air pollution, pedestrian safety, noise, cancer risk, and the displacement of low income communities and communities of color that live and work in the areas proposed for Commuter Shuttle activities.

a. The Shuttle Project has Significant Impacts Related to Displacement of Low and Moderate Income Communities.

CEQA requires the lead agency to determine whether the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly," (PRC § 21083(b)(3), (d)), and to "take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." See PRC §21000 et seq.

CEQA Guidelines Appendix G, Section XII provides that a project will have significant impacts where it will:

- Induce substantial population growth or concentration of population in an area, either directly (for example, by proposing new housing or businesses), or indirectly (for example, through extension of roads or other infrastructure);
- Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere; or
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. See CEQA Guidelines Appendix G, Section XII.

Here, the Commuter Shuttle Project is likely to displace numerous residents and commuters who currently live, work, commute, and recreate in the areas proposed for the Commuter Shuttle stops, and replace them with workers from the private technical companies sponsoring the shuttles, who are wealthier and less likely to come from communities of color. See Kalama D. Harris, Attorney General, "Environmental Justice at the Local and Regional Level," May 8, 2012, available at http://oag.ca.gov/sites/all/files/pdfs/environment/ej_fact_sheet_final_050712.pdf.

It is an "unusual circumstance" that the Shuttle Project results in displacement of communities. The circumstance is "unusual" within the meaning of CEQA since most "information collection" projects do not displace communities.

This impact is well documented by scientific research. Alexandra Goldman of University of California Berkeley has conducted extensive research concluding that "Google Shuttles are driving up rental prices within a walking distance (half mile) of five of the shuttle stops." (Exhibit F) Goldman concludes that rental prices have risen much more steeply around Google shuttle stops

than in other areas. In fact, a survey of advertisements shows that rental advertisements highlight proximity to Google Shuttle stops as a selling point. Id.

Researcher Chris Walker concluded in January 2014 that the private commuter shuttles have created "Clusters of Affluence" around the shuttle stops. (http://www.datawovn.com/#!San_Francisco_Private_Shuttles; Exhibit G). The San Francisco Chronicle quotes Mr. Walker:

> As Walker sees it, technology companies stationed their bus stops in fun, hip neighborhoods where their young workers were increasingly moving. Those new residents, with plenty of disposable income, prompted more new restaurants, cafes and bars to open - drawing more tech workers, raising housing prices and luring more new businesses.
>
> "It becomes this vicious circle where you see the neighborhoods just keep getting more affluent, and that's where you see an uptick in evictions and people getting forced out," Walker said. "That's where a lot of unrest and anger is coming from."
>
> While many neighborhoods around San Francisco contain Walker's "clusters of affluence" - from the Castro to South of Market to North Beach and more - the Mission is ground zero.
>
> Companies like Google, Apple, Yahoo and Facebook hire private shuttles to pick up their workers in the Mission, and it's there that protesters in recent months have blocked some buses, arguing that tech companies are responsible for the neighborhood's skyrocketing housing prices and rampant evictions.
>
> A recent UC-Berkeley study found the average tech shuttle rider is a single male about 30 years old who pulls down $100,000 or more a year.

San Francisco Chronicle, Heather Knight, *Where tech buses roam, affluence* (February 12, 2014; Exhibit H).

Some shuttle supporters contend that the shuttles have little or no displacement impact since they argue that without the shuttles, riders would simply continue to live in San Francisco, but would drive single-passenger cars. However, research by Dai and Weinzimmer shows that less than one-half of shuttle riders (48%) would drive cars if not for the shuttles. The largest share of the non-driving shuttle riders would instead live closer to their work near San Jose. (Exhibit I, p. 12).

SFMTA itself concluded that about 49% of shuttle riders would drive single passenger cars in the absence of the shuttles, and that 31% of shuttle riders would move closer to their work in the south bay. (SFMTA Private Commuter Shuttles Policy Draft Proposal, p.6 (2013) (Exhibit J)). The San Francisco County Transportation Authority Strategic Analysis Report on The Role of Shuttle Services in San Francisco's Transportation System (June 28, 2011) made similar conclusions. (Exhibit K).

In a report commissioned by the James Irvine Foundation, the Stamen Group of researchers found that the Shuttle Project has facilitated a reversal of the flow of workers. Whereas historically, workers have flowed from homes in the suburbs to jobs in the City, the shuttles allow workers to live in the City and commute to jobs in the suburbs. (Exhibit L).

Thus, without the shuttles, far fewer highly paid technology workers would be displacing low-income San Francisco residents.

There is certainly substantial evidence to support a "fair argument" that the Shuttle Project has a significant impact in that it will "displace substantial numbers of people." As such, the CEQA exemption is improper. CEQA review is required to analyze the displacement impacts of the Shuttle Project and to propose feasible mitigation measures and alternatives.

b. The Shuttle Project has Significant Impacts Related to Pedestrian and Bicycle Safety.

Impacts to human health are significant under CEQA. CEQA §21083(b)(3) provides that a project has significant impacts if it "will cause substantial adverse effects on human beings, either directly or indirectly." (emphasis added) (See also PRC §21000(b)-(d) (CEQA's intent is to provide "critical thresholds for the health and safety of the people of the state," and "to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man").) An EIR must analyze, "the health consequences that necessarily result from the identified adverse air quality impacts.... On remand, the health impacts resulting from the adverse air quality impacts must be identified and analyzed in the new EIR's." (*Bakersfield Citizens for Local Control v. Bakersfield*, 124 Cal.App.4th at 1219-20; see also *Keep Berkeley Jets v. Port of Oakland*, 91 Cal.App.4th at 1369 (EIR must include a "human health risk assessment").)

Human Impact Partners have prepared a detailed analysis of the Shuttle Project and have concluded that it will have significant adverse impacts on human health related to pedestrian and bicycle safety. (Exhibit C). This is an

"unusual circumstances" since most "information collection" projects do not cause adverse impacts to pedestrians or bicycles.

HIP states:

> "Overall, it is our opinion that private shuttle bus operations contribute cumulatively to pedestrian and bicyclist safety risks in San Francisco. The proposed SFMTA plan would concentrate shuttle bus stops and thus increase pedestrian and bicycle safety risks on traffic corridors with existing high levels of pedestrian and bicycle injuries. We recommend that the City evaluate these impacts and implement pedestrian and bicycle safety countermeasures at locations planned for employer shuttle stops." (Exhibit C, p.1)

The HIP report concludes that "the observed frequency of pedestrian injuries was almost 3 fold greater with the presence of one or two bus stops nearby and almost 5 fold greater with 3 or more bus stops nearby." (Id. p. 3) Therefore, increasing the number of transit stops will almost certainly increase the incidence of pedestrian injuries.

This also indicates that by locating shuttle stops in areas without a high presence of existing transit bus traffic, it may be possible to mitigate impacts to pedestrian safety. The HIP Report concludes, "Given that more bus stops and greater bus vehicle volume means more pedestrian accidents in San Francisco, it is likely that shuttle buses are contributing cumulatively to increased injury risk for pedestrians and bicyclists along their routes. Because the proposed SFMTA program allows shuttles to utilize up to 200 of MUNI stops for an estimated 4000 stops per weekday, the SFMTA proposal is likely to concentrate these additional safety risks at intersections on existing high-injury corridors." (Id. p.6)

HIP's conclusions are consistent with those of the San Francisco County Transportation Authority SAR, which states:

> Safety: As noted above, many shuttles were observed to stop or layover at red curb zones, particularly in the south of Market area and even along upper Market Street. To the extent that red zones are kept clear for visibility purposes, this could present a safety hazard for other road users, especially pedestrians. In fact, many outreach comments related to perceived safety impacts of large shuttles blocking sightlines; for example if they were to block motorists from seeing pedestrians. Outreach comments included the following: "This is only a residential street and these buses are enormous" thus reflecting the disproportionate size of the vehicles compared to the neighborhood facilities. In addition, another

> respondent stated "People expect traffic and buses [on major arterials]; but not on the side roads where people walk their dogs and kids." Such concerns, raised repeatedly, further emphasize the issues associated with the large size of the vehicles. (SFCTA, SAR, Exhibit K, p. 9).

Since the Shuttle Project will have significant pedestrian and bicycle safety impacts, CEQA review is required to analyze these impacts and to propose mitigation measures and alternatives. (See also, Exhibit M).

c. The Shuttle Project has Significant Impacts Related to Cancer Risk from Diesel Engine Exhaust.

Atmospheric scientists from Soil, Water, Air Protection Enterprise (SWAPE) conducted a detailed analysis of diesel engine exhaust generated by the Shuttle Project. SWAPE analyzed six different exposure scenarios involving various bus idle times and distances from the buses to nearby residential properties. SWAPE adjusted its analysis to take account of the fact that many of the shuttle buses operate on B20 biodiesel.

SWAPE concluded that residents living near shuttle stops would experience an increased cancer risk of approximately 12 per million as a direct result of the Shuttle Project. (Exhibit A). This exceeds that Bay Area Air Quality Management District (BAAQMD) CEQA significance threshold for airborne cancer risks of 10 per million. (Exhibit N). This is an unusual circumstance since most information collection projects do not cause cancer.

Since the Shuttle Project will create a cancer risk that exceeds the formally adopted BAAQMD CEQA significance threshold, this impact must be analyzed under CEQA, so that mitigation measures can be developed. Potential mitigation measures may include requiring the shuttle buses to run on natural gas (as is common in Los Angeles and San Jose), requiring hybrid electric buses (as with the San Francisco MUNI fleet), or relocating bus stops away from residential properties.

d. The Shuttle Project has Significant Noise Impacts.

Human Impact Partners has conducted a detailed analysis of noise impacts of the Shuttle Project. (Exhibit D). HIP concludes:

> Overall, it is our opinion that private employer shuttle bus operations contribute cumulatively to noise exposure and adverse health impacts among San Francisco residents living near bus stops and along major transit routes. Importantly, the proposed SFMTA plan will

concentrate these noise impacts in proximity to a limited number of MUNI stops, including within traffic corridors with existing health adverse exposures to traffic noise. We recommend that the City evaluate these impacts and consider several additional noise-protective criteria and mitigations if the City proposal is implemented.

(Exhibit D, p.1) HIP notes that "noise from a typical diesel bus will be 80-85 dB." (Id. p. 3). By contrast, noise levels that exceed 60 dB are significant and trigger the need under the State Building Code for noise protective design treatments.

Since expert evidence establishes that the Shuttle Project will have significant adverse noise impacts, the CEQA exemption is improper. CEQA review is required to analyze the Project's noise impacts and to propose mitigation measures. *Los Angeles Unified School Dist. v. City of Los Angeles*, 58 Cal. App. 4th 1019 (1997).

B. Additional Appeal Procedures.

Appellants expressly reserve the right to submit additional written and oral comments, and additional evidence in support of this Appeal, to the City and County of San Francisco and its departments ("City") and to the Board of Supervisors up to and including the final hearing on this Appeal and any and all subsequent permitting proceedings or approvals undertaken by the City or any other permitting agency for the Project. PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("*Bakersfield*") (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121; Admin Code § 31.16(b)(4), (5). (6).

Thank you for consideration of this Appeal. We ask that this Appeal Letter be placed in the Administrative Record for the Commuter Shuttle Project.

Sincerely,

Richard T. Drury
Lozeau | Drury LLP

Enclosures

cc. Environmental Review Officer
(pursuant to SF Administrative Code § 31.16(b)(1))
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EXHIBIT A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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March 21, 2014

Richard Drury
Lozeau | Drury LLP
410 12th Street, Suite 250
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Subject: Air Quality Impacts from Private Commuter Shuttles in San Francisco

Dear Mr. Drury:

Privately operated shuttles that transport tech employees from the city of San Francisco to and from jobs in Silicon Valley have expanded their operations considerably over the past several years. These shuttles commonly occupy publicly-operated San Francisco Municipal Transportation Agency (SFMTA or Muni) bus stops in the city of San Francisco for passenger loading and unloading. We have reviewed numerous press articles and survey reports generated as a result of the issues surrounding the exclusive shuttle lines and have prepared the following considerations from an air quality impacts perspective. Dr. Rosenfeld provided technical analysis in support of our air dispersion modeling selection and methodology. Our evaluation demonstrates that significant air quality impacts may be consequential of the shuttle network in certain parts of the City of San Francisco.

Impacts Identified by City and County Agency Surveys

The private shuttle network has generated sufficient public concern to warrant involvement from transportation authorities. Both Muni and the San Francisco County Transportation Authority (SFCTA) have allocated resources toward evaluating complaints received from the public associated with the shuttle routes and stop locations. Muni and the SFCTA cited the following concerns that have been expressed by residents regarding the presence of the large shuttle buses on city streets and loading/unloading passengers at Muni bus stops[1,2].

- conflicts with Muni buses creating scheduling issues and bus stop congestion;
- clogging of streets increasing hazards for bikers and pedestrians; and
- increased noise and pollution from idling curbside at stop locations.

[1] SFCTA, 2011. Strategic Analysis Report: The Role of Shuttle Services in San Francisco's Transportation System. Final SAR 08/09-2. San Francisco County Transportation Authority. June 28, 2011.
[2] SFMTA, 2013. Private Commuter Shuttles Policy Draft Proposal Presentation. San Francisco Municipal Transportation Agency. July 19, 2013.

Problems were observed most prominently at Muni stops that are located on the near side of intersections where parked vehicles immediately precede the stop and are shorter than 80 feet[3].

Furthermore, the following table is an excerpt from the 2011 Strategic Action Report (SAR) compiled by the SFCTA using observations taken in 2008-2009 that outline difficulties encountered along the shuttle routes. These obstacles, organized by category and marked under public and/or private relevancy, are likely more pronounced now than when the data was collected due to significantly increased volume of shuttle traffic in the city.

Impacts	CATEGORY	MEASURE	PUBLIC	PRIVATE
(More detailed Operations-level, localized)	Congestion	Displacement of other vehicles (cars, bikes) when parked or idling	X	X
		Displacement of Muni vehicles when parked or idling	X	
	Environmental	Emissions Produced (due to larger vehicle size, or when idling)	X	
	Quality of Life	Noise/Vibrations	X	X
	Safety	Unsafe sightlines if double parked or in Muni zone	X	
		Unsafe sightlines at certain locations if moving (e.g., turning corners)	X	X
		Collisions	X	X
	Pavement Condition	Wear and tear on pavement	X	
		Wear and tear on curb bulbs (e.g., turning corners)	X	

The large tech shuttle buses have engines that run on biodiesel fuel[4], and idling at Muni bus stops generates emissions of diesel particulate matter ("DPM"), among other air pollutants. Diesel particulate emissions from idling at Muni bus stops, identified under the "Environmental" category in the aforementioned table, are the focus of the preliminary air quality analysis we conducted for this comment report.

Data Obtained from Observational Studies

The SFCTA collected preliminary data on "dwell times" (defined as the amount of time a shuttle is stopped on the side of the street while loading/unloading passengers) on the privately operated shuttles and number of stop events at various Muni stop locations throughout the city in 2009; and the SFMTA conducted similar work in 2012-2013. Both surveys were performed as efforts to gain perspective on the growing transit issue. Observations collected during the surveys include:

- As of 2012, there were approximately 200 stop locations and approximately 4,121 stop events per day, averaging about 20 stop events daily per location (SFMTA, 2014);
- Stop events are more heavily concentrated during peak traffic hours in the morning and evening, coinciding with rush hour traffic which consequently magnifies issues;
- SFCTA recorded an average of 7.4 morning stop events at 46 locations in 2009 between shuttles operated by Genentech, Apple, Yahoo!, and Google (SFCTA, 2011);
- Number of morning stops observed by SFMTA ranged from fewer than 15 to more than 35, depending on the location, demonstrating growth since SFCTA had monitored stop events three years prior (SFMTA, 2013);

[3] SFMTA, 2014. Commuter Shuttle Policy and Pilot Program. San Francisco Municipal Transportation Agency. January 2014.
[4] SFCTA, 2011.

- Idling/dwell times averaged approximately 1 minute, but for some stop locations average idle time was observed to be up to 5 minutes (SFCTA, 2011; SFMTA, 2013);
- Almost all vehicles have engines that run on bio-diesel (B20) fuel (SFCTA, 2011).

Both the SFCTA and Muni surveys documented variability in the number of "stop events" and duration of "dwell times" throughout the City. Dwell times will be longer in more populated neighborhoods of the city where greater numbers of passengers are loading and unloading. The following table displays the average dwell time and number of morning passengers loaded onto shuttles at sixteen stops selected by Muni for their surveys between 2012-2013.

Observed Stop Event Dwell Durations and Passenger Loading at Muni Stops

Stop/Intersection	Avg. Dwell Time (mins)	Passengers Obs.
Market & Steuart	4.3	102
Glen Park BART	2.7	415
8th & Market	1.2	225
Haight & Divisadero	1	52
Lumbard & Fillmore	1	105
Columbus & Union	0.9	40
Hayes & Steiner	0.9	73
Van Ness & Greenwich	0.9	47
19th & Judah	0.7	60
Castro & 18th	0.7	65
Castro & 24th	0.7	60
Market (4th-5th)	0.7	340
Van Ness & Market	0.7	75
Van Ness & Union	0.7	85
Balboa Park BART	0.4	20
4th & Townsend	0.3	195
Average	**1.11 (1:07 minutes)**	**122**

(Data obtained from page 5 of SFMTA, 2013 presentation for Private Commuter Shuttles Policy - Draft Proposal)

The data represent only a limited perspective on the dwell times of the private shuttles across the city, but the values demonstrate that each stop can take between 20 seconds to 5 minutes. The average documented dwell time was just over one minute, at approximately one minute and seven seconds. To characterize both the average stop numbers and dwell durations and those encountered at higher rates in certain areas, we considered several scenarios for modeling DPM emissions from shuttle idling at Muni stops in our screening model.

Preliminary Screening Model Setup

We have utilized empirical observations collected during the Muni and SFCTA surveys along with appropriate regulatory models to produce screening-level estimates of air quality impacts generated by the tech shuttles' use of Muni stops in the City of San Francisco. The California Air Resources Board (CARB) has developed the EMFAC2011 model for estimating emissions from vehicle travel and idling in

California. The vehicles utilized by the tech companies are large motorcoaches that are either single- or double-decker. The corresponding vehicle category in the EMFAC2011 model utilized for preliminary screening of idling emissions was T7-OBUS, referring to large diesel buses that are not assigned to a specific industrial use. The per-vehicle, per-hour emission rates of exhaust DPM for the T7-OBUS category for the years 2010 to 2035 are displayed in the table below.

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
PM10 (g/hr-veh)	1.654	1.533	1.211	0.924	0.705	0.268	0.215	0.126	0.123	0.122	0.115	0.109	0.106
Year	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
PM10 (g/hr-veh)	0.106	0.106	0.106	0.106	0.106	0.106	0.106	0.106	0.106	0.106	0.106	0.106	0.106

According to the SFCTA survey, almost all of the shuttles have engines that are fueled by B20 biodiesel; a mixture of 20% biodiesel and 80% conventional diesel fuels[5]. The United States Environmental Protection Agency ("USEPA" or "EPA") examined the effects of using biodiesel mixtures on emission rates and found that B20 fuel reduces DPM emissions by approximately 10%[6]. To account for this reduction, we scaled the emission rates provided in EMFAC2011 by 0.9 (90%) before deriving the emission rate for the screening model.

The emission rates provided by EMFAC2011 decrease into the future as the CARB assumes that diesel engines will continue to become more efficient over time. To establish an average emission rate for the 70 years between 2010 and 2079, the 2035 emission rate was extrapolated out to 2079. Then the average emission rate over the course of 70 years was calculated based on the number of stop events and the dwell times assumed for each scenario. The total emission over the course of a day for each scenario considered were assumed to occur over twelve hours, such as from 7:00 AM until 7:00 PM. Therefore, the emission rate was derived by the following equation:

$$Emission\ Rate\left(\frac{g}{s}\right) = \frac{Avg.Emission\ Rate\left(\frac{g}{hr-veh}\right) * Dwell\ Time\ (hr) * Daily\ Stops\ (veh)}{12\ hours * 3600\ \frac{s}{hr}}$$

The emission rate was calculated for six (6) different scenarios, as will be discussed in the following section of this report. The emission rate was input to the screening model AERSCREEN to assess maximum air quality impacts to nearby residents consequential of the shuttle idling at Muni stops. As of 2011, the USEPA promulgated the air dispersion model AERSCREEN as the appropriate screening model for simulating near-field dispersion[7]. The recommendation was based on criteria stated in the *Guideline on Air Quality Models* for air dispersion model selection. We measured the lengths of some Muni bus stops in Google Earth and found that 80 feet was a common curb length of the stops. As an approximation, we considered the prototypical bus stop at which shuttles were loading and unloading

[5] SFCTA, 2011.

[6] USEPA, 2002. A Comprehensive Analysis of Biodiesel Impacts on Exhaust Emissions - Draft Technical Report. EPA420-P-02-001. United States Environmental Protection Agency. October 2002.

[7] USEPA, 2011. AERSCREEN Released as the EPA Recommended Screening Model. Memorandum. United States Environmental Protection Agency. April 11, 2011.

passengers as a rectangular area source of length 80 feet and width 10 feet. All of the shuttles do not stop at the exact same position on the curb over the course of a day, so we chose to be conservative in defining the size of the source area by using the entire designated Muni stop distance.

Exposure Scenarios for Residents Living Adjacent to Muni Stops Used by Shuttles

We considered six (6) different scenarios for residential exposure to DPM generated by shuttle idling at Muni stops based on observational data obtained from the SFCTA and Muni surveys. The AERSCREEN model outputs the maximum one-hour downwind concentration of pollutants, in this case DPM. Consistent with EPA guidelines[8], the one-hour downwind concentration was multiplied by a factor of 0.1 to estimate maximum annualized concentration for chronic inhalation exposure assessment. Exposure calculations are presented for each of the following scenarios evaluated.

The table below presents the average dwell time and daily shuttle stop events included in each modeling scenario. We utilized data from the Muni and SFCTA surveys to parameterize realistic situations for shuttles loading and unloading passengers at the Muni stops. The final column of the table presents the distance within which a lifetime exposure (70 years[9]) to the ambient concentration would exceed the CEQA threshold of 10 excess cancers in 1 million given the defined model parameters and utilizing the 10%-reduced emission rates from the EMFAC2011 model. The exposure scenarios conservatively assumed a fifteen year childhood exposure and a 55 year adult exposure, as OEHHA has identified that children are more susceptible to health effects from air pollution[10]. We placed discrete receptors into the modeling file and calculated (to the nearest 5 feet) the minimum distance away from the area source that a sensitive receptor could be located and not exceed the 10 in 1 million cancer risk based on a lifetime exposure.

Exposure Scenario	Average Dwell Time (min)	Daily Stop Events	Buffer Distance (ft)*
1	1	20	N/A
2	1	60	45
3	3	20	45
4	3	60	80
5	5	20	60
6	5	60	110

*Buffer Distance is approximate distance outside of which residents would not be exposed to cancer risk greater than 10 in 1 million during 70-year lifetime per BAAQMD methodology.

[8] EPA, 1992. Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised. EPA-454/R-92-019. United States Environmental Protection Agency. October 1992.

[9] BAAQMD, 2011. California Environmental Quality Act Air Quality Guidelines. Bay Area Air Quality Management District. May 2011.

[10] OEHHA, 2003. Air Toxics Hot Spots Program Risk Assessment Guidelines. The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. Office of Environmental Health Hazard Assessment. August 2003.

In the following discussions we have provided the lifetime excess cancer risk from living near the Muni stops based on model-generated ground-level concentrations, consistent with BAAQMD methodology[11].

Exposure Scenario 1 (ES-1): Living Near a Muni Stop with 20 Daily 1-Minute Shuttle Stop Events

The least amount of shuttle activity considered in our exposure model was residences situated near Muni stops at which only ten morning and ten evening shuttles make 1-minute stops. This scenario was based on the average number of daily stops at each location as presented in the Commuter Shuttle Policy and Pilot Program.

Parameter	Description	Units	Adult Exposure	Child Exposure
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1	1.1
Cair	Concentration	ug/m3	0.0113	0.0113
DBR	Daily breathing rate	L/kg-day	302	581
EF	Exposure Frequency	days/year	350	350
ED	Exposure Duration	years	55	15
AT	Averaging Time	days	25550	25550
	Inhaled Dose		2.6E-06	1.3E-06
	Cancer Risk	**4.3E-06**	2.83E-06	1.48E-06

Given the emission rate derived from 20 daily 1-minute stops, there was no cumulative lifetime exposure at the maximum output concentration that would exceed the 10 in 1 million cancer threshold for this scenario. Therefore, limiting daily stops to 20 and idling time during each stop to 1 minute may serve as an effective mitigation strategy for air quality issues associated with tech shuttle pickups and drop-offs. However, we do not believe this to be realistic given the volume of passengers and density of traffic in certain corridors of San Francisco. Therefore, we have considered additional scenarios in our modeling analyses, as presented below.

Exposure Scenario 2 (ES-2): Living Near a Muni Stop with 60 Daily 1-Minute Shuttle Stop Events

The 2013 SFMTA survey documented that upwards of 35 morning tech shuttle stop events were observed at some Muni stop locations[12]. To represent the locations with approximately 30 events in the morning and evening, the upper end of our analysis considered 60 daily stop events. The model output generated a maximum one-hour concentration of 0.31728 $\mu g/m^3$ at 45 feet away from the stop area. This distance represented the minimum distance away that a sensitive receptor could be located and not exceed the cancer risk threshold over the course of a lifetime exposure. Consistent with EPA screening guidance[13], the maximum annualized concentration was calculated as 10% of the maximum one-hour concentration: 0.031728 $\mu g/m^3$. The excess cancer risk calculated for this exposure scenario was approximately 12 in one million, constituting a significant air quality impact by exceeding the CEQA threshold.

[11] BAAQMD, 2011.
[12] SFMTA, 2013.
[13] EPA, 1992.

Parameter	Description	Units	Adult Exposure	Child Exposure
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1	1.1
Cair	Concentration	ug/m3	0.031728	0.031728
DBR	Daily breathing rate	L/kg-day	302	581
EF	Exposure Frequency	days/year	350	350
ED	Exposure Duration	years	55	15
AT	Averaging Time	days	25550	25550
	Inhaled Dose		7.2E-06	3.8E-06
	Cancer Risk	**1.2E-05**	7.94E-06	4.17E-06

Exposure Scenario 3 (ES-3): Living Near a Muni Stop with 20 Daily 3-Minute Shuttle Stop Events

Given the volume of shuttle passengers loading and unloading at some of the Muni stops surveyed, it is unrealistic to believe that all shuttle stop idle times are limited to one minute. The City of San Francisco restricts Muni idling to three minutes per stop, and observations from the SFCTA and SFMTA demonstrate that idling times can even exceed this duration. We conducted two modeling scenarios using the maximum permitted Muni idling time to represent longer stop events at some of the busier locations in the city. Results of the first 3-minute idle time screening model are presented in the table below, assuming the average number of 20 stop events per day. Results from this modeling exercise are consistent with those presented above, as 60 one-minute stops will have the same total emissions as 20 three-minute stops. The buffer zone for cancer risk exceeding 10 in 1 million over a lifetime is 45 feet for this exposure scenario. The excess cancer risk for this modeling scenario at 45 feet away was 12 in one million over a lifetime exposure.

Parameter	Description	Units	Adult Exposure	Child Exposure
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1	1.1
Cair	Concentration	ug/m3	0.031728	0.031728
DBR	Daily breathing rate	L/kg-day	302	581
EF	Exposure Frequency	days/year	350	350
ED	Exposure Duration	years	55	15
AT	Averaging Time	days	25550	25550
	Inhaled Dose		7.2E-06	3.8E-06
	Cancer Risk	**1.2E-05**	7.94E-06	4.17E-06

Exposure Scenario 4 (ES-4): Living Near a Muni Stop with 60 Daily 3-Minute Shuttle Stop Events

The fourth scenario we evaluated (ES-4) characterized a busy Muni stop with 60 daily shuttle stop events and the tech shuttles adhering to the maximum permitted Muni bus idling time of three minutes. Based on observations of dwell times and shuttle stop event frequency, we believe that these parameters represent the higher end of tech shuttle activity that would occur at Muni stops. The model-generated maximum one-hour concentration using previously described assumptions was

approximately 0.268 μg/m^3, which we converted to a maximum annualized concentration of 0.0268 μg/m^3. Calculating lifetime residential exposure under these assumptions, we determined that within 80 feet of the Muni stop the chronic excess cancer risk would exceed the CEQA threshold of ten in one million.

Parameter	Description	Units	Adult Exposure	Child Exposure
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1	1.1
Cair	Concentration	ug/m3	0.026815	0.026815
DBR	Daily breathing rate	L/kg-day	302	581
EF	Exposure Frequency	days/year	350	350
ED	Exposure Duration	years	55	15
AT	Averaging Time	days	25550	25550
	Inhaled Dose		6.1E-06	3.2E-06
	Cancer Risk	**1.0E-05**	6.71E-06	3.52E-06

Exposure Scenario 5 (ES-5): Living Near a Muni Stop with 20 Daily 5-Minute Shuttle Stop Events

The fifth scenario (ES-5) included 20 daily stop events at the maximum permitted dwell time of five minutes per stop event. While we acknowledge that the extended dwell time is likely not characteristic of average conditions, dwell times at some stop events have been observed to be up to five minutes. Therefore, we conservatively assumed that this extended stop event duration could be the case at some of the busiest Muni stops in the City. Emission rates were calculated using the same methodologies described in the above sections, and the model-generated maximum one-hour concentration was 0.26819 μg/m^3 at approximately 60 feet away. At this distance, chronic excess lifetime cancer risk using a maximum annualized concentration of 0.026819 μg/m^3 was calculated to be ten in one million.

Parameter	Description	Units	Adult Exposure	Child Exposure
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1	1.1
Cair	Concentration	ug/m3	0.026819	0.026819
DBR	Daily breathing rate	L/kg-day	302	581
EF	Exposure Frequency	days/year	350	350
ED	Exposure Duration	years	55	15
AT	Averaging Time	days	25550	25550
	Inhaled Dose		6.1E-06	3.2E-06
	Cancer Risk	**1.0E-05**	6.71E-06	3.52E-06

Exposure Scenario 6 (ES-6): Living Near a Muni Stop with 60 Daily 5-Minute Shuttle Stop Events

The final scenario (ES-6) that was included in our analysis assumed the most conservative parameters for tech shuttle dwell time and frequency at the Muni stops. In this exercise, 60 daily shuttles were assumed to dwell for five minutes each at the stop locations. These assumptions are based on the

maximum observed dwell time and tech shuttle stop frequencies documented by the SFCTA and Muni organizations. We believe this represents the maximum possible DPM emissions that could be consequential of the tech shuttles' use of Muni bus stops near residential receptors. Using the same methodologies described for previous exposure scenarios, we determined that the CEQA threshold of ten excess cancers in one million would be exceeded for residential receptors within 110 feet of the Muni stop locations.

Parameter	Description	Units	Adult Exposure	Child Exposure
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1	1.1
Cair	Concentration	ug/m3	0.027091	0.027091
DBR	Daily breathing rate	L/kg-day	302	581
EF	Exposure Frequency	days/year	350	350
ED	Exposure Duration	years	55	15
AT	Averaging Time	days	25550	25550
	Inhaled Dose		6.2E-06	3.2E-06
	Cancer Risk	**1.0E-05**	6.78E-06	3.56E-06

The following pages provide visual overlays of our exposure scenario (ES) buffer zones of impact with residential parcel maps (designated by yellow shading) obtained from the SF Planning Department and aerial imagery obtained from Google Earth™. These demonstrative graphics show that there are residential receptors within the buffer distances described above at several of the Muni stops included in the SFCTA and SFMTA surveys. Furthermore, we believe that there are numerous other stop locations situated within the calculated zones of impact that warrant further investigation. Our assessment has concluded that significant air quality impacts can be attributed to tech shuttle activities at Muni bus stops given the range of dwell times and shuttle frequency observed by the SFCTA and SFMTA organizations. Further CEQA review is required to assess the magnitude of realized impacts utilizing empirical data generated by a more comprehensive monitoring program.

Sincerely,

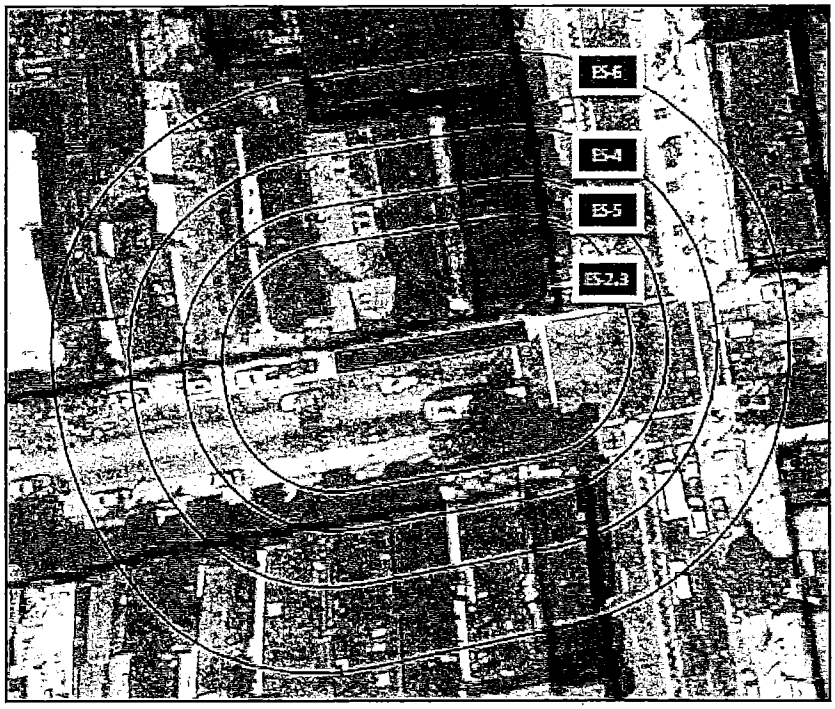
Matt Hagemann, P.G., C.Hg.

Paul Rosenfeld, Ph.D.

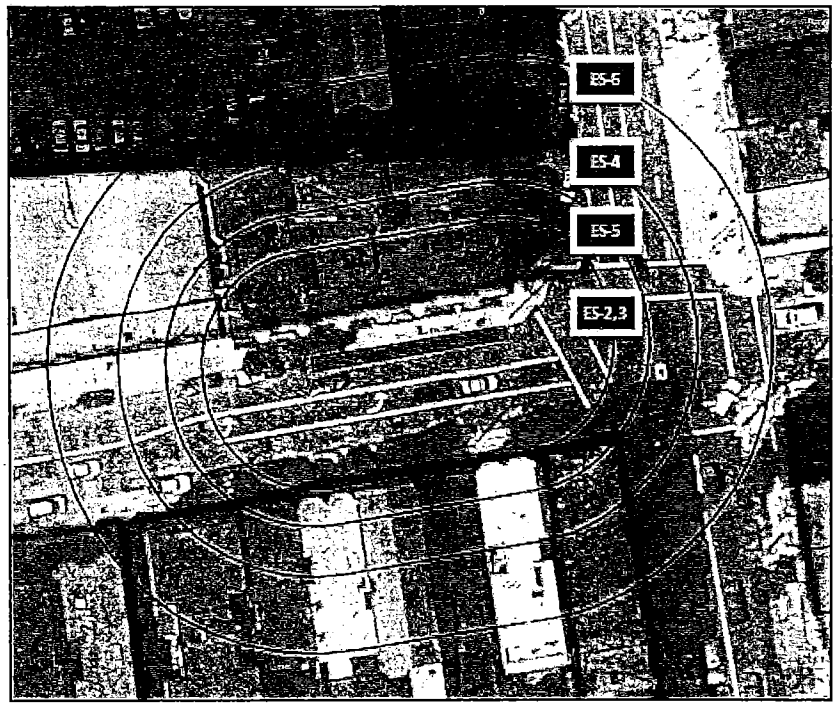
Anders Sutherland

Visual Graphics of Buffer Zones of Impact Imposed on Muni Stops

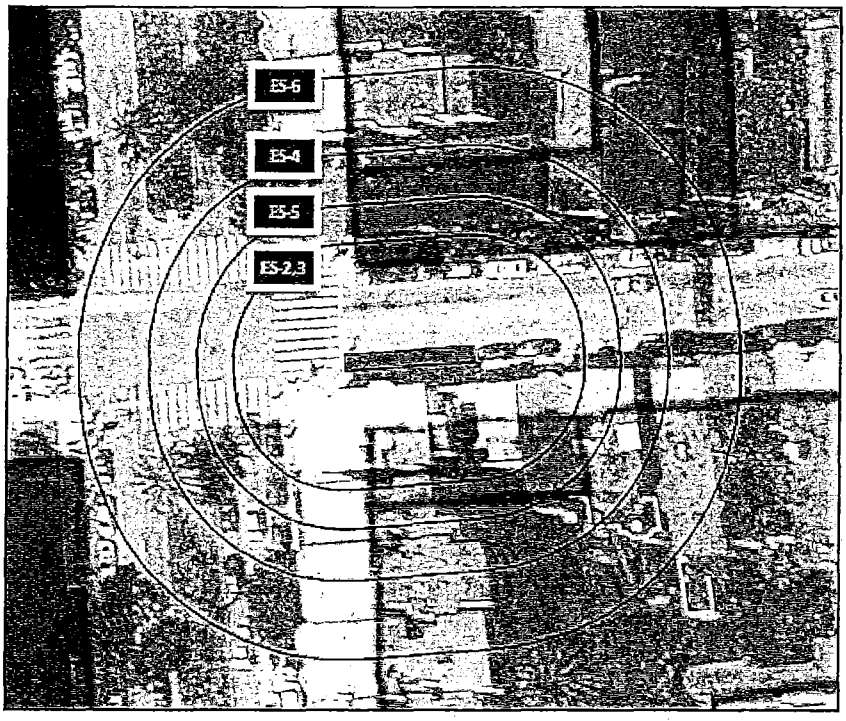
Haight & Divisadero



Stanyan & Frederick



18th & Dolores



11

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on VOC filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld is the Co-Founder and Principal Environmental Chemist at Soil Water Air Protection Enterprise (SWAPE). His focus is the fate and transport of environmental contaminants, risk assessment, and ecological restoration. His project experience ranges from monitoring and modeling of pollution sources as they relate to human and ecological health. Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing, petroleum, MtBE and fuel oxygenates, chlorinated solvents, pesticides, radioactive waste, PCBs, PAHs, dioxins, furans, volatile organics, semi-volatile organics, perchlorate, heavy metals, asbestos, PFOA, unusual polymers, and odor. Significant projects performed by Dr. Rosenfeld include the following:

Litigation Support

Client: Missouri Department of Natural Resources (Jefferson City, Missouri)
Serving as an expert in evaluating air pollution and odor emissions from a Republic Landfill in St. Louis, Missouri. Conducted. Project manager overseeing daily, weekly and comprehensive sampling of odor and chemicals.

Client: Louisiana Department of Transportation and Development (Baton Rouge, Louisiana)
Serving as an expert witness, conducting groundwater modeling of an ethylene dichloride DNAPL and soluble plume resulting from spill caused by Conoco Phillips.

Client: Missouri Department of Natural Resources (St. Louis, Missouri)
Serving as a consulting expert and potential testifying expert regarding a landfill fire directly adjacent to another landfill containing radioactive waste. Implemented an air monitoring program testing for over 100 different compounds using approximately 12 different analytical methods.

Client: Baron & Budd, P.C. (Dallas, Texas) and Weitz & Luxeinberg (New York, New York)
Served as a consulting expert in MTBE Federal Multi District Litigation (MDL) in New York. Consolidated ground water data, created maps for test cases, constructed damage model, evaluated taste and odor threshold levels. Resulted in a settlement of over $440 million.

Client: The Buzbee Law Firm (Houston, Texas)
Served as a as an expert in ongoing litigation involving over 50,000+ plaintiffs who are seeking compensation for chemical exposure and reduction in property value resulting from chemicals released from the BP facility.

Client: Environmental Litigation Group (Birmingham, Alabama)
Serving as an expert on property damage, medical monitoring and toxic tort claims that have been filed on behalf of over 13,000 plaintiffs who were exposed to PCBs and dioxins/furans resulting from emissions from Monsanto and Cerro Copper's operations in Sauget, Illinois. Developed AERMOD models to demonstrate plaintiff's exposure.

Client: Baron & Budd P.C. (Dallas Texas) and Korein Tillery (St. Louis, Missouri)
Served as a consulting expert for a Class Action defective product claim filed in Madison County, Illinois against Syngenta and five other manufacturers for atrazine. Evaluated health issues associated with atrazine and deterimied treatment cost for filtration of public drinking water supplies. Resulted in $105 million dollar settlement.

Client: The Buzbee Law Firm (Houston, Texas)
Served as a consulting expert in catalyst release and refinery emissions cases against the BP Refinery in Texas City. A jury verdict for 10 employees exposed to catalyst via BP's irresponsible behavior.

Client: Baron & Budd, P.C. (Dallas, Texas)
Served as a consulting expert to calculate the Maximum Allowable Dose Level (MADL) and No Significant Risk Level (NSRL), based on Cal EPA and OEHHA guidelines, for Polychlorinated Biphenyls (PCBs) in fish oil dietary supplements.

Client: Girardi Keese (Los Angeles, California)
Served as an expert testifying on hydrocarbon exposure of a woman who worked on a fuel barge operated by Chevron. Demonstrated that the plaintiff was exposed to excessive amounts of benzene.

Client: Mason & Cawood (Annapolis, Maryland) and Girardi & Keese (Los Angeles, California)
Serving as an expert consultant on the Battlefield Golf Club fly ash disposal site in Chesapeake, VA, where arsenic, other metals and radionuclides are leaching into groundwater, and ash is blowing off-site onto the surrounding communities.

Client: California Earth Mineral Corporation (Culver City, California)
Evaluating the montmorillonite clay deposit located near El Centro, California. Working as a Defense Expert representing an individual who owns a 2,500 acre parcel that will potentially be seized by the United States Navy via eminent domain.

Client: Matthews & Associates (Houston, Texas)
Serving as an expert witness, preparing air model demonstrating residential exposure via emissions from fracking in natural gas wells in Duncan, Texas.

Client: Baron & Budd P.C. (Dallas, Texas) and Korein Tillery (St. Louis, Missouri)
Served as a consulting expert for analysis of private wells relating to litigation regarding compensation of private well owners for MTBE testing. Coordinated data acquisition and GIS analysis evaluating private well proximity to leaking underground storage tanks.

Client: Lurie & Park LLP (Los Angeles, California)
Served as an expert witness evaluating a vapor intrusion toxic tort case that resulted in a settlement. The Superfund site is a 4 ½ mile groundwater plume of chlorinated solvents in Whittier, California.

Client: Mason & Cawood (Annapolis, Maryland)
Evaluated data from the Hess Gasoline Station in northern Baltimore, Maryland that had a release resulting in flooding of plaintiff's homes with gasoline-contaminated water, foul odor, and biofilm growth.

Client: The Buzbee Law Firm (Houston, Texas)
Evaluated air quality resulting from grain processing emissions in Muscatine, Iowa.

Client: Anderson Kill & Olick, P.C. (Ventura, California)
Evaluated historical exposure and lateral and vertical extent of contamination resulting from a ~150 million gallon Exxon Mobil tank farm located near Watts, California.

Client: Packard Law Firm (Petaluma, California)
Served as an expert witness, evaluated lead in Proposition 65 Case where various products were found to have elevated lead levels.

Client: The Buzbee Law Firm (Houston, Texas)
Evaluated data resulting from an oil spill in Port Arthur, Texas.

Client: Nexsen Pruet, LLC (Charleston, South Carolina)
Serving as expert in chlorine exposure in a railroad tank car accident where approximately 120,000 pounds of chlorine were released.

Client: Girardi & Keese (Los Angeles, California)
Serving as an expert investigating hydrocarbon exposure and property damage for ~600 individuals and ~280 properties in Carson, California where homes were constructed above a large tank farm formerly owned by Shell.

Client: Brent Coon Law Firm (Cleveland, Ohio)
Served as an expert, calculating an environmental exposure to benzene, PAHs, and VOCs from a Chevron Refinery in Hooven, Ohio. Conducted AERMOD modeling to determine cumulative dose.

Client: Lundy Davis (Lake Charles, Louisiana)
Served as consulting expert on an oil field case representing the lease holder of a contaminated oil field. Conducted field work evaluating oil field contamination in Sulphur, Louisiana. Property is owned by Conoco Phillips, but leased by Yellow Rock, a small oil firm.

Client: Cox Cox Filo (Lake Charles, Louisiana)
Served as testifying expert on a multimillion gallon oil spill in Lake Charles which occurred on June 19, 2006, resulting in hydrocarbon vapor exposure to hundreds of workers and residents. Prepared air model and calculated exposure concentration. Demonstrated that petroleum odor alone can result in significant health harms.

Client: Cotchett Pitre & McCarthy (San Francisco, California)
Served as testifying expert representing homeowners who unknowingly purchased homes built on an old oil field in Santa Maria, California. Properties have high concentrations of petroleum hydrocarbons in subsurface soils resulting in diminished property value.

Client: Law Offices Of Anthony Liberatore P.C. (Los Angeles, California)
Served as testifying expert representing individuals who rented homes on the Inglewood Oil Field in California. Plaintiffs were exposed to hydrocarbon contaminated water and air, and experienced health harms associated with the petroleum exposure.

Client: Orange County District Attorney (Orange County, California)
Coordinated a review of 143 ARCO gas stations in Orange County to assist the District Attorney's prosecution of CCR Title 23 and California Health and Safety Code violators.

Client: Environmental Litigation Group (Birmingham, Alabama)
Served as a testifying expert in a health effects case against ABC Coke/Drummond Company for polluting a community with PAHs, benzene, particulate matter, heavy metals, and coke oven emissions. Created air dispersion models and conducted attic dust sampling, exposure modeling, and risk assessment for plaintiffs.

Client: Masry & Vitatoe (Westlake Village, California), Engstrom Lipscomb Lack (Los Angeles, Califronia) and Baron & Budd P.C. (Dallas, Texas)
Served as a consulting expert in Proposition 65 lawsuit filed against major oil companies for benzene and toluene releases from gas stations and refineries resulting in contaminated groundwater. Settlement included over $110 million dollars in injunctive relief.

Client: Tommy Franks Law Firm (Austin, Texas)
Served as expert evaluating groundwater contamination which resulted from the hazardous waste injection program and negligent actions of Morton Thiokol and Rohm Hass. Evaluated drinking water contamination and community exposure.

Client: Baron & Budd P.C. (Dallas, Texas) and Sher Leff (San Francisco, California)
Served as consulting expert for several California cities that filed defective product cases against Dow Chemical and Shell for 1,2,3-trichloropropane groundwater contamination. Generated maps showing capture zones of impacted wells for various municipalities.

Client: Weitz & Luxenberg (New York, New York)
Served as expert on Property Damage and Nuisance claims resulting from emissions from the Countywide Landfill in Ohio. The landfill had an exothermic reaction or fire resulting from aluminum dross dumping, and the EPA fined the landfill $10,000,000 dollars.

Client: Baron & Budd P.C. (Dallas, Texas)
Served as a consulting expert for a groundwater contamination case in Pensacola, Florida where fluorinated compounds contaminated wells operated by Escambia County.

Client: Environmental Litigation Group (Birmingham, Alabama)
Served as an expert on groundwater case where Exxon Mobil and Helena Chemical released ethylene dichloride into groundwater resulting in a large plume. Prepared report on the appropriate treatment technology and cost, and flaws with the proposed on-site remediation.

Client: Environmental Litigation Group (Birmingham, Alabama)
Served as an expert on air emissions released when a Bartlo Packaging Incorporated facility in West Helena, Arkansas exploded resulting in community exposure to pesticides and smoke from combustion of pesticides.

Client: Omara & Padilla (San Diego, California)
Served as a testifying expert on nuisance case against Nutro Dogfood Company that constructed a large dog food processing facility in the middle of a residential community in Victorville, California with no odor control devices. The facility has undergone significant modifications, including installation of a regenerative thermal oxidizer.

Client: Environmental Litigation Group (Birmingham, Alabama)
Serving as an expert on property damage and medical monitoring claims that have been filed against International Paper resulting from chemical emissions from facilities located in Bastrop, Louisiana; Prattville, Alabama; and Georgetown, South Carolina.

Client: Estep and Shafer L.C. (Kingwood, West Virginia)
Served as expert calculating acid emissions doses to residents resulting from coal-fired power plant emissions in West V
irginia using various air models.

Client: Watts Law Firm (Austin, Texas), Woodfill & Pressler (Houston, Texas) and Woska & Associates (Oklahoma City, Oklahoma)
Served as testifying expert on community and worker exposure to CCA, creosote, PAHs, and dioxins/furans from a BNSF and Koppers Facility in Somerville, Texas. Conducted field sampling, risk assessment, dose assessment and air modeling to quantify exposure to workers and community members.

Client: Environmental Litigation Group (Birmingham, Alabama)
Served as expert regarding community exposure to CCA, creosote, PAHs, and dioxins/furans from a Louisiana Pacific wood treatment facility in Florala, Alabama. Conducted blood sampling and environmental sampling to determine environmental exposure to dioxins/furans and PAHs.

Client: Sanders Law Firm (Colorado Springs, Colorado) and Vamvoras & Schwartzberg (Lake Charles, Louisiana)
Served as an expert calculating chemical exposure to over 500 workers from large ethylene dichloride spill in Lake Charles, Louisiana at the Conoco Phillips Refinery.

Client: Baron & Budd P.C. (Dallas, Texas)
Served as consulting expert in a defective product lawsuit against Dow Agroscience focusing on Clopyralid, a recalcitrant herbicide that damaged numerous compost facilities across the United States.

Client: Sullivan Papain Block McGrath & Cannavo (New York, New York) and The Cochran Firm (Dothan, Mississippi)

Served as an expert regarding community exposure to metals, PAHs PCBs, and dioxins/furans from the burning of Ford paint sludge and municipal solid waste in Ringwood, New Jersey.

Client: Rose, Klein & Marias LLP (Los Angeles, California)
Served as an expert in 55 Proposition 65 cases against individual facilities in the Port of Los Angeles and Port of Long Beach. Prepared air dispersion and risk models to demonstrate that each facility emits diesel particulate matter that results in risks exceeding 1/100,000, hence violating the Proposition 65 Statute.

Client: Rose, Klein & Marias LLP (Los Angeles, California) and Environmental Law Foundation (San Francisco, California)
Served as an expert in a Proposition 65 case against potato chip manufacturers. Conducted an analysis of several brands of potato chips for acrylamide concentrations and found that all samples exceeded Proposition 65 No Significant Risk Levels.

Client: Gonzales & Robinson (Westlake Village, California)
Served as a testifying expert in a toxic tort case against Chevron (Ortho) for allowing a community to be contaminated with lead arsenate pesticide. Created air dispersion and soil vadose zone transport models, and evaluated bioaccumulation of lead arsenate in food.

Client: Environment Now (Santa Monica, California)
Served as expert for Environment Now to convince the State of California to file a nuisance claim against automobile manufactures to recover MediCal damages from expenditures on asthma-related health care costs.

Client: Trutanich Michell (Long Beach, California)
Served as expert representing San Pedro Boat Works in the Port of Los Angeles. Prepared air dispersion, particulate air dispersion, and storm water discharge models to demonstrate that Kaiser Bulk Loading is responsible for copper concentrate accumulating in the bay sediment.

Client: Azurix of North America (Fort Myers, Florida)
Provided expert opinions, reports and research pertaining to a proposed County Ordinance requiring biosolids applicators to measure VOC and odor concentrations at application sites' boundaries.

Client: MCP Polyurethane (Pittsburg, Kansas)
Provided expert opinions and reports regarding metal-laden landfill runoff that damaged a running track by causing the reversion of the polyurethane due to its catalytic properties.

Risk Assessment And Air Modeling

Client: Hager, Dewick & Zuengler, S.C. (Green Bay, Wisconsin)
Conducted odor audit of rendering facility in Green Bay, Wisconsin.

Client: ABT-Haskell (San Bernardino, California)
Prepared air dispersion model for a proposed state-of-the-art enclosed compost facility. Prepared a traffic analysis and developed odor detection limits to predict 1, 8, and 24-hour off-site concentrations of sulfur, ammonia, and amine.

Client: Jefferson PRP Group (Los Angeles, California)
Evaluated exposure pathways for chlorinated solvents and hexavalent chromium for human health risk assessment of Los Angeles Academy (formerly Jefferson New Middle School) operated by Los Angeles Unified School District.

Client: Covanta (Susanville, California)
Prepared human health risk assessment for Covanta Energy focusing on agricultural worker exposure to caustic fertilizer.

Client: CIWMB (Sacramento, California)
Used dispersion models to estimate traveling distance and VOC concentrations downwind from a composting facility for the California Integrated Waste Management Board.

Client: Carboquimeca (Bogotá, Columbia)
Evaluated exposure pathways for human health risk assessment for a confidential client focusing on significant concentrations of arsenic and chlorinated solvents present in groundwater used for drinking water.

Client: Navy Base Realignment and Closure Team (Treasure Island, California)
Used Johnson-Ettinger model to estimate indoor air PCB concentrations and compared estimated values with empirical data collected in homes.

Client: San Diego State University (San Diego, California)
Measured CO_2 flux from soils amended with different quantities of biosolids compost at Camp Pendleton to determine CO_2 credit values for coastal sage under fertilized and non-fertilized conditions.

Client: Navy Base Realignment and Closure Team (MCAS Tustin, California)
Evaluated cumulative risk of a multiple pathway scenario for a child resident and a construction worker. Evaluated exposure to air and soil via particulate and vapor inhalation, incidental soil ingestion, and dermal contact with soil.

Client: MCAS Miramar (San Diego, California)
Evaluated exposure pathways of metals in soil by comparing site data to background data. Risk assessment incorporated multiple pathway scenarios assuming child resident and construction worker particulate and vapor inhalation, soil ingestion, and dermal soil contact.

Client: Naval Weapons Station (Seal Beach, California)
Used a multiple pathway model to generate dust emission factors from automobiles driving on dirt roads. Calculated bioaccumulation of metals, PCBs, dioxin congeners and pesticides to estimate human and ecological risk.

Client: King County, Douglas County (Washington State)
Measured PM_{10} and $PM_{2.5}$ emissions from windblown soil treated with biosolids and a polyacrylamide polymer in Douglas County, Washington. Used Pilat Mark V impactor for measurement and compared data to EPA particulate regulations.

Client: King County (Seattle, Washington)
Created emission inventory for several compost and wastewater facilities comparing VOC, particulate, and fungi concentrations to NIOSH values estimating risk to workers and individuals at neighboring facilities.

Air Pollution Investigation and Remediation

Client: Republic Landfill (Santa Clarita, California)
Managed a field investigation of odor around a landfill during 30+ events. Used hedonic tone, butanol scale, dilution-to-threshold values, and odor character to evaluate odor sources and character and intensity.

Client: California Biomass (Victorville, California)
Managed a field investigation of odor around landfill during 9+ events. Used hedonic tone, butanol scale, dilution-to-threshold values, and odor character to evaluate odor sources, character and intensity.

Client: ABT-Haskell (Redlands, California)
Assisted in permitting a compost facility that will be completely enclosed with a complex scrubbing system using acid scrubbers, base scrubbers, biofilters, heat exchangers and chlorine to reduce VOC emissions by 99 percent.

Client: Synagro (Corona, California)
Designed and monitored 30-foot by 20-foot by 6-foot biofilter for VOC control at an industrial composting facility in Corona, California to reduce VOC emissions by 99 percent.

Client: Jeff Gage (Tacoma, Washington)
Conducted emission inventory at industrial compost facility using GC/MS analyses for VOCs. Evaluated effectiveness of VOC and odor control systems and estimated human health risk.

Client: Daishowa America (Port Angeles Mill, Washington)
Analyzed industrial paper sludge and ash for VOCs, heavy metals and nutrients to develop a land application program. Metals were compared to federal guidelines to determine maximum allowable land application rates.

Client: Jeff Gage (Puyallup, Washington)
Measured effectiveness of biofilters at composting facility and conducted EPA dispersion models to estimate traveling distance of odor and human health risk from exposure to volatile organics.

Surface Water, Groundwater, and Wastewater Investigation/Remediation

Client: Confidential (Downey, California)
Managed groundwater investigation to determine horizontal extent of 1,000 foot TCE plume associated with a metal finishing shop.

Client: Confidential (West Hollywood, California)
Designing soil vapor extraction system that is currently being installed for confidential client. Managing groundwater investigation to determine horizontal extent of TCE plume associated with dry cleaning.

Client: Synagro Technologies (Sacramento, California)
Managed groundwater investigation to determine if biosolids application impacted salinity and nutrient concentrations in groundwater.

Client: Navy Base Realignment and Closure Team (Treasure Island, California)
Assisted in the design and remediation of PCB, chlorinated solvent, hydrocarbon and lead contaminated groundwater and soil on Treasure Island. Negotiated screening levels with DTSC and Water Board. Assisted in the preparation of FSP/QAPP, RI/FS, and RAP documents and assisted in CEQA document preparation.

Client: Navy Base Realignment and Closure Team (MCAS Tustin, California)
Assisted in the design of groundwater monitoring systems for chlorinated solvents at Tustin MCAS. Contributed to the preparation of FS for groundwater treatment.

Client: Mission Cleaning Facility (Salinas, California)
Prepared a RAP and cost estimate for using an oxygen releasing compound (ORC) and molasses to oxidize diesel fuel in soil and groundwater at Mission Cleaning in Salinas.

Client: King County (Washington)
Established and monitored experimental plots at a US EPA Superfund Site in wetland and upland mine tailings contaminated with zinc and lead in Smelterville, Idaho. Used organic matter and pH adjustment for wetland remediation and erosion control.

Client: City of Redmond (Richmond, Washington)
Collected storm water from compost-amended and fertilized turf to measure nutrients in urban runoff. Evaluated effectiveness of organic matter-lined detention ponds on reduction of peak flow during storm events. Drafted compost amended landscape installation guidelines to promote storm water detention and nutrient runoff reduction.

Client: City of Seattle (Seattle, Washington)
Measured VOC emissions from Renton wastewater treatment plant in Washington. Ran GC/MS, dispersion models, and sensory panels to characterize, quantify, control and estimate risk from VOCs.

Client: Plumas County (Quincy, California)

Installed wetland to treat contaminated water containing 1% copper in an EPA Superfund site. Revegetated 10 acres of acidic and metal laden sand dunes resulting from hydraulic mining. Installed and monitored piezometers in wetland estimating metal loading.

Client: Adams Egg Farm (St. Kitts, West Indies)
Designed, constructed, and maintained 3 anaerobic digesters at Springfield Egg Farm, St. Kitts. Digesters treated chicken excrement before effluent discharged into sea. Chicken waste was converted into methane cooking gas.

Client: BLM (Kremmling, Colorado)
Collected water samples for monitoring program along upper stretch of the Colorado River. Rafted along river and protected water quality by digging and repairing latrines.

Soil Science and Restoration Projects

Client: Hefner, Stark & Marois, LLP (Sacramento, California)
Facilitated in assisting Hefner, Stark & Marois, LLP in working with the Regional Water Quality board to determine how to utilize Calcium Participate as a by-product of processing sugar beets.

Client: Kinder Morgan (San Diego County, California)
Designed and monitored the restoration of a 110-acre project on Camp Pendleton along a 26-mile pipeline. Managed crew of 20, planting coastal sage, riparian, wetland, native grassland, and marsh ecosystems. Negotiated with the CDFW concerning species planting list and success standards.

Client: NAVY BRAC (Orote Landfill, Guam)
Designed and monitored pilot landfill cap mimicking limestone forest. Measured different species' root-penetration into landfill cap. Plants were used to evapotranspirate water, reducing water leaching through soil profile.

Client: LA Sanitation District Puente Hills Landfill (Whittier, California)
Monitored success of upland and wetland mitigation at Puente Hills Landfill operated by Sanitation Districts of Los Angeles. Negotiated with the Army Corps of Engineers and CDFG to obtain an early sign-off.

Client: City of Escondido (Escondido, California)
Designed, managed, installed, and monitored a 20-acre coastal sage scrub restoration project at Kit Carson Park, Escondido, California.

Client: Home Depot (Encinitas, California)
Designed, managed, installed and monitored a 15-acre coastal sage scrub and wetland restoration project at Home Depot in Encinitas, California.

Client: Alvarado Water Filtration Plant (San Diego, California)
Planned, installed and monitored 2-acre riparian and coastal sage scrub mitigation in San Diego California.

Client: Monsanto and James River Corporation (Clatskanie, Oregon)
Served as a soil scientist on a 50,000-acre hybrid poplar farm. Worked on genetically engineering study of Poplar trees to see if glyphosate resistant poplar clones were economically viable.

Client: World Wildlife Fund (St. Kitts, West Indies)
Managed 2-year biodiversity study, quantifying and qualifying the various flora and fauna in St. Kitts' expanding volcanic rainforest. Collaborated with skilled botanists, ornithologists and herpetologists.

Publications

Chen, J. A., Zapata, A R., Sutherland, A. J., Molmen, D. R,. Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. American Journal of Environmental Science, 2012, 8 (6), 622-632

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Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** "Atrazine: A Persistent Pesticide in Urban Drinking Water." Urban Environmental Pollution, Boston, MA, June 20-23, 2010.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** "Bringing Environmental Justice to East St. Louis, Illinois." Urban Environmental Pollution, Boston, MA, June 20-23, 2010.

Rosenfeld, P.E. (2009) "Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States" Presentation at the 2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting, April 19-23, 2009. Tuscon, AZ.

Rosenfeld, P.E. (2009) "Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States" Presentation at the 2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting, April 19-23, 2009. Tuscon, AZ.

Rosenfeld, P. E. (2007) "Moss Point Community Exposure To Contaminants From A Releasing Facility" Platform Presentation at the 23rd Annual International Conferences on Soils Sediment and Water, October 15-18, 2007. University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (2007) "The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant" Platform Presentation at the 23rd Annual International Conferences on Soils Sediment and Water, October 15-18, 2007. University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (2007) "Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions" Poster Presentation at the 23rd Annual International Conferences on Soils Sediment and Water, October 15-18, 2007. University of Massachusetts, Amherst MA.

Rosenfeld P. E. "Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP)" – Platform Presentation at the Association for Environmental Health and Sciences (AEHS) Annual Meeting, San Diego, CA, 3/2007.

Rosenfeld P. E. "Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama" – Platform Presentation at the AEHS Annual Meeting, San Diego, CA, 3/2007.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (2006) "Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." APHA 134 Annual Meeting & Exposition, Boston Massachusetts. November 4 to 8th, 2006.

Paul Rosenfeld Ph.D. "Fate, Transport and Persistence of PFOA and Related Chemicals." Mealey's C8/PFOA Science, Risk & Litigation Conference" October 24, 25. The Rittenhouse Hotel, Philadelphia.

Paul Rosenfeld Ph.D. "Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation PEMA Emerging Contaminant Conference. September 19. Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. "Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP." PEMA Emerging Contaminant Conference. September 19. Hilton Hotel in Irvine, California.

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Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. National Groundwater Association. Environmental Law Conference. May 5-6, 2004. Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D., 2004. Perchlorate Toxicology. Presentation to a meeting of the American Groundwater Trust. March 7th, 2004. Pheonix Arizona.

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Paul Rosenfeld, Ph.D. and James Clark Ph.D. Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants. February 20-21, 2003. Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. Underground Storage Tank Litigation and Remediation. California CUPA Forum. Marriott Hotel. Anaheim California. February 6-7, 2003.

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Rosenfeld, P.E., C.L. Henry, R. Harrison. 1998. Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. Brown and Caldwell, Seattle Washington.

Rosenfeld, P.E., C.L. Henry. 1998. Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. Biofest Lake Chelan, Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. 1997. Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. Soil Science Society of America, Anaheim California.

Professional History

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Founding And Managing Partner
UCLA School of Public Health; 2007 to 2010; Lecturer (Asst Res)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist
Bureau of Land Management, Kremmling Colorado 1990; Scientist

Teaching Experience

UCLA Department of Environmental Health (Summer 2003 through 2010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focuses on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course In Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5 2002 Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993.

Cases that Dr. Rosenfeld Provided Deposition or Trial Testimony

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)

In the Court of Common Pleas for the Second Judicial Circuit, State of South Carolina, County of Aiken
David Anderson, et al., *Plaintiffs*, vs. Norfolk Southern Corporation, et al., *Defendants*.
Case Number: 2007-CP-02-1584

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., *Plaintiffs*, vs. Drummond Company Inc., et al., *Defendants*
Civil action No. CV 2008-2076

In the Ninth Judicial District Court, Parish of Rapides, State of Louisiana
Roger Price, et al., *Plaintiffs*, vs. Roy O. Martin, L.P., et al., *Defendants*.
Civil Suit Number 224,041 Division G

In the United States District Court, Western District Lafayette Division
Ackle et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.
Case Number 2:07CV1052

In the United States District Court for the Southern District of Ohio
Carolyn Baker, et al., *Plaintiffs*, vs. Chevron Oil Company, et al., *Defendants*.
Case Number 1:05 CV 227

In the Fourth Judicial District Court, Parish of Calcasieu, State of Louisiana
Craig Steven Arabie, et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.
Case Number 07-2738 G

In the Fourteenth Judicial District Court, Parish of Calcasieu, State of Louisiana
Leon B. Brydels, *Plaintiffs*, vs. Conoco, Inc., et al., *Defendants*.
Case Number 2004-6941 Division A

In the District Court of Tarrant County, Texas, 153rd Judicial District
Linda Faust, *Plaintiff*, vs. Burlington Northern Santa Fe Rail Way Company, Witco Chemical Corporation A/K/A Witco Corporation, Solvents and Chemicals, Inc. and Koppers Industries, Inc., *Defendants*.
Case Number 153-212928-05

In the Superior Court of the State of California in and for the County of San Bernardino
Leroy Allen, et al., *Plaintiffs*, vs. Nutro Products, Inc., a California Corporation and DOES 1 to 100, inclusive, *Defendants*.
John Loney, Plaintiff, vs. James H. Didion, Sr.; Nutro Products, Inc.; DOES 1 through 20, inclusive, *Defendants*.
Case Number VCVVS044671

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., *Plaintiffs*, vs. International Paper Company, *Defendant*.
Civil Action Number 2:09-cv-232-WHA-TFM

In the Superior Court of the State of California in and for the County of Los Angeles
Leslie Hensley and Rick Hensley, *Plaintiffs*, vs. Peter T. Hoss, as trustee on behalf of the Cone Fee Trust; Plains Exploration & Production Company, a Delaware corporation; Rayne Water Conditioning, Inc., a California corporation; and DOES 1 through 100, *Defendants*.
Case Number SC094173

In the Superior Court of the State of California in and for the County of Santa Barbara, Santa Maria Branch
Clifford and Shirley Adelhelm, et al., all individually, *Plaintiffs*, vs. Unocal Corporation, a Delaware Corporation; Union Oil Company of California, a California corporation; Chevron Corporation, a California corporation; ConocoPhillips, a Texas corporation; Kerr-McGee Corporation, an Oklahoma corporation; and DOES 1 though 100, *Defendants.*
Case Number 1229251 (Consolidated with case number 1231299)

In the United States District Court for Eastern District of Arkansas, Eastern District of Arkansas
Harry Stephens Farms, Inc, and Harry Stephens, individual and as managing partner of Stephens Partnership, *Plaintiffs*, vs. Helena Chemical Company, and Exxon Mobil Corp., successor to Mobil Chemical Co., *Defendants.*
Case Number 2:06-CV-00166 JMM (Consolidated with case number 4:07CV00278 JMM)

In the United States District Court for the Western District of Arkansas, Texarkana Division
Rhonda Brasel, et al., *Plaintiffs*, vs. Weyerhaeuser Company and DOES 1 through 100, *Defendants.*
Civil Action Number 07-4037

In The Superior Court of the State of California County of Santa Cruz
Constance Acevedo, et al. *Plaintiffs* Vs. California Spray Company, et al. *Defendants*
Case No CV 146344

In the District Court of Texas 21st Judicial District of Burleson County
Dennis Davis, *Plaintiff*, vs. Burlington Northern Santa Fe Rail Way Company, *Defendant.*
Case Number 25,151

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs,* vs. BP Products North America, Inc., *Defendant.*
Case 3:10-cv-00622

EXHIBIT B

Summary from:
The "Google Shuttle Effect:" Gentrification and San Francisco's Dot Com Boom 2.0
May, 2013

Alexandra Goldman, MCP

As housing prices in San Francisco skyrocket, eviction rates rise, and the city continues to experience other negative impacts of gentrification, concerned residents and activists struggle to pinpoint the causes of these rapid changes. One frequent culprit is the "Google Shuttles:" large, unmarked buses which transport thousands of tech workers every day from their homes in San Francisco to their jobs in Silicon Valley. While many companies use private shuttles, Google has the largest fleet with over 30 stops in San Francisco, and a ridership of over 4,500 daily.

The hypothesis is that the Google shuttles – as a transportation investment that allows wealthier tech workers to live in San Francisco and commute for free-is contributing to the phenomenon of rising rents in the city, particularly around the bus stops.

This report seeks to test this hypothesis through analyzing housing price data around five of the Google Shuttle stops between 2010-2012. The results show a strong suggestion that rents within a "walkable" distance of the shuttle stops are rising more rapidly than rents in the neighborhood as a whole.

The selected shuttle stops, illustrated in Figure 1 are:

- **Lombard:** Fillmore Street and Lombard Street
- **Geary:** Geary Boulevard and Presidio Avenue
- **Haight:** Divisadero Street and Haight Street
- **Valencia:** 24th Street and Valencia Street
- **Dolores:** 30th Street and Dolores Street

The stops were selected for being in neighborhoods with a high percentage of renters. I used rental data from Padmapper, a website which collects rental listings from Craigslist, Apartments.com and Rents.com among other websites.

I looked at data within two specific geographies: the first consists of rents within a "walkable" radius of half a mile from the selected shuttle stops. A half-mile distance is often considered "walkable" in transit-oriented development, and so I used this standard here. The second geography consists of rents "outside" the walkable radius: from an area between half a mile and a full mile from the shuttle stops.

As you can see from Figures 2 and 3, in most cases rental prices within a walkable distance of the shuttle stops are increasing at a faster rate than rental prices outside the walkable distance. There are seven instances of rents increasing faster

within the walkable radius, one that I have considered neutral (as the difference between the two rates is less than five percent) and two where rents outside the walkable radius are actually increasing faster. Figures 4 and 5 show the rates changes mapped to the shuttle stops.

Craigslist ads also provide evidence that the shuttles may be impacting the rental market. Craigslist is a very popular website for listing apartment rentals, and provides a snapshot of what amenities sellers think would 'draw' potential tenants to their units, and/or allow them to charge higher rents. Between November 2012 and April 2013, I picked three random, separate days to review the Craigslist ads for apartments in San Francisco. On each of these days, I found several listings that advertised proximity to the Google Bus stops as a perk. Figure 6 provides a sampling of those listings.

The descriptive analysis presented here suggests that the Google shuttles *are* having an impact on rental prices in San Francisco. Rents appear to be rising more rapidly within a walkable distance of the shuttle stops, and proximity to the shuttle stops is touted widely as a desirable amenity. As the city continues to negotiate efficiency and equity tradeoffs in this housing market, special attention should be paid to the housing conditions around the shuttle stops.

For a copy of the full report, or additional information on this research, please contact Alexandra Goldman at rose.goldman@gmail.com.

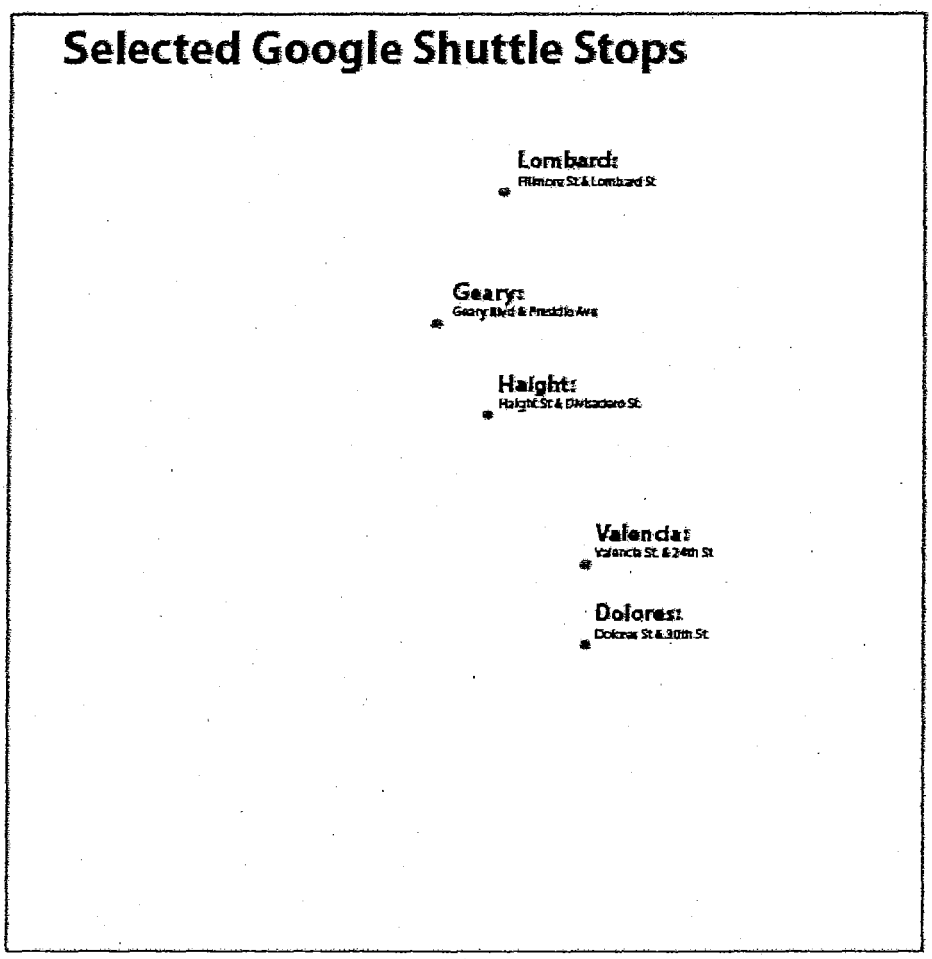


Figure 1- Selected Shuttle stops

Rate of Rental Price Change 2010-2012

		walkable	outside
Lombard	1br	30%	17%
	2br	11%	25%
Geary	1br	10%	22%
	2br	23%	12%
Haight	1br	28%	23%
	2br	37%	27%
Valencia	1br	23%	23%
	2br	27%	20%
Dolores	1br	43%	23%
	2br	28%	23%

Figure 2- source: Padmapper

Geography with larger change (≥5%)

Lombard	1br	walkable
	2br	outside
Geary	1br	outside
	2br	walkable
Haight	1br	walkable
	2br	walkable
Valencia	1br	neutral
	2br	walkable
Dolores	1br	walkable
	2br	walkable

Figure 3- source: Padmapper

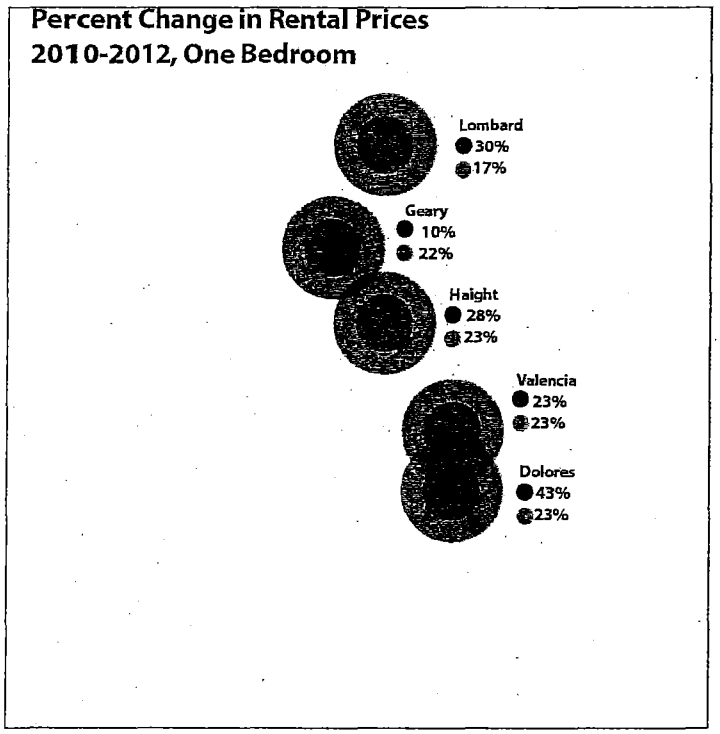


Figure 4

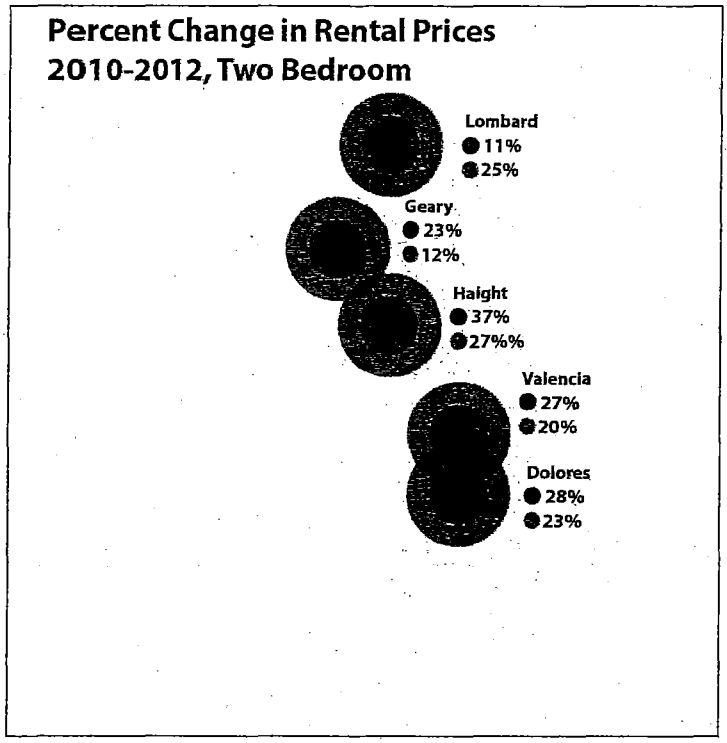


Figure 5

$4000 / 2br - Hayes Valley Furnished Rental: April 1 (hayes valley)

Updated Kitchen & Bath, Refinished Hardwood Wood Floors, Cable and WiFi, inc. Two Bedroom w/ Queen Beds.
Parking available for $300/mth extra. Month to month - OK. .(Small-med sized car only).
Strictly No Pets and No Smoking!

Excellent restaurants, cafes and shopping close by.
#21 Bus; 10 mins walk to BART (Civic Center); Google bus stop 1 block away.

$3000 / 2br - Best Noe Location, Very Sunny, grg parkg incl., Open Sat 2/23 10:30-2 (noe valley)

Easy walk down 24th street to all of the shops and great restaurants. 1 1/2 blocks from the Whole Foods, 1-4 blocks to numerous bus stops and Church street Muni and Google bus stops around the corner. Great little park 1 1/2 blocks up the street.

$2850 / 1br - Charming 1 Br/1Bath Unit w/ Walk-in Closets & Parking! (marina / cow hollow)

Charming one bedroom, one bathroom unit located in a great neighborhood just blocks from Union, Chestnut and Polk Streets and near plenty of transportation options on VanNess Avenue. NEAR GOOGLE BUS STOP!

$3500 / 2br - 1400ft² - 2 bdrm, 2 bath + office + great location (noe valley)

1.5 blocks from google bus, 7 block from J car, 2.5 blocks from bart
conveniently located near restraunts, bar, and shopping
owner pays garbage, water and gardener

$3500 / 2br - 800ft² - 2BR/2BA Pet Friendly Building (alamo square / nopa)

coming soon), small shops, dry cleaners, banks, cool club scene. Great area for Foodies. Near Alamo Square, GGP Panhandle. Short walk to lower/upper Haight. Great public transportation - 2 blocks to Google Shuttle, Bike lanes (new bike corridor coming soon). Weekly farmers market. $3500.00 mo rent. One year lease. $7000.00

- $4100 / 2br - 2bd/2ba with parking Pacific Heights (pacific heights)

Email with your phone number to set up viewing appointment.
Close to Union Street shops and Google bus stops...

- $1800 Top Floor Studio with Hardwood Floor (lower nob hill)

* close to Trader Joe's, coffee houses and restaurants
* near Google bus stop
* close to bus lines 2, 3, 27 and Cable Car lines

Figure 6

EXHIBIT C

HUMAN IMPACT PARTNERS
510 452 9442 • 304 12th Street, Suite 3B Oakland CA 94607

MEMORANDUM

To: Richard Drury, Lozeau Drury LLP

From: Human Impact Partners

Re: Private shuttle bus impacts on safety

Date: March 19, 2014

Thank you for requesting an analysis on the potential impacts of the SFMTA proposal to permit private shuttle buses to use Muni bus stops on pedestrian and bicyclist safety. This memo describes existing data on the spatial patterns of pedestrian and bicycle injuries in San Francisco, summarizes evidence linking the location of transit service and pedestrian and bicycle safety, and discusses the potential impacts of private shuttle buses on injury rates. We also provide a series of context-specific mitigations that could be implemented to reduce injuries and fatalities at transit stops.

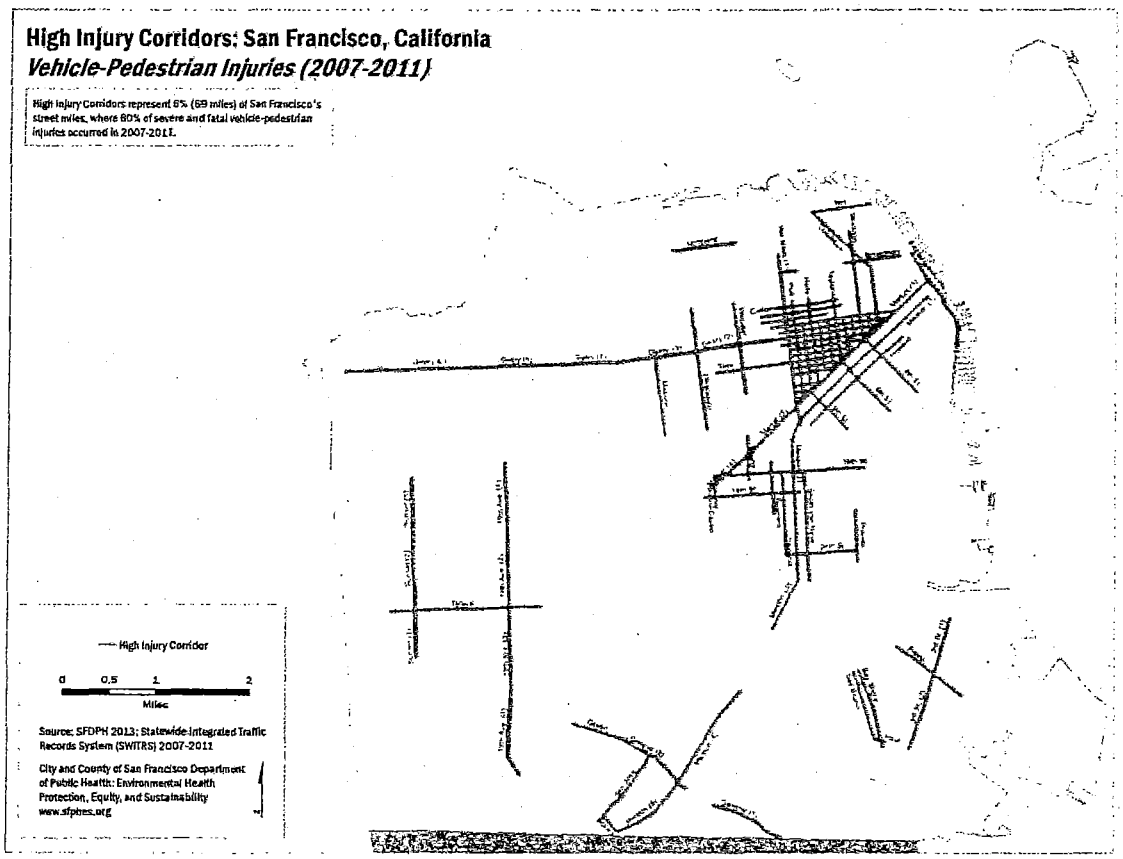
Overall, it is our opinion that private shuttle bus operations contribute cumulatively to pedestrian and bicyclist safety risks in San Francisco. The proposed SFMTA plan would concentrate shuttle bus stops and thus increase pedestrian and bicycle safety risks on traffic corridors with existing high levels of pedestrian and bicycle injuries. We recommend that the City evaluate these impacts and implement pedestrian and bicycle safety countermeasures at locations planned for employer shuttle stops.

I. Pedestrian and bicycle injuries are concentrated on high-injury corridors in San Francisco

About 800 pedestrian-vehicle collisions occur annually in San Francisco, a rate among the highest of U.S. cities. Motor-vehicle collisions kill an average of 20 pedestrians per year, which represents half of all traffic fatalities in San Francisco. Most vehicle-pedestrian collisions occur at intersections, most commonly, when drivers fail to yield to pedestrians in the crosswalk. In developing the San Francisco Mayor's Pedestrian Strategy, city agencies identified and prioritized a set of San Francisco high injury corridors for targeted safety efforts.[1] Agencies selected these corridors for targeted enforcement and countermeasures because they encompass 6% of streets but account for over 60% of serious and fatal injuries. According to the Pedestrian Strategy, the highest rates of collisions causing serious injury or death to pedestrians occur on fast arterial streets, such as Geary, Van Ness, and sections of 4th and 6th Streets approaching the freeway.

The map below indicates high injury corridors where the majority of vehicle-pedestrian injuries occurred in 2007-2011.

[1] San Francisco Department of Public Health and San Francisco Municipal Transportation Agency. Identifying High Pedestrian Injury Corridors for Targeted Safety Improvements. December 2013.



The observed injury densities (2007-2011) on selected transit corridors used by shuttle buses are listed in the table below. ***Notably, injury densities on these streets are substantially higher than the citywide average.***

Corridor	**10 year rate of severe or fatal pedestrian injuries per mile**	**10 year rate of total pedestrian injuries per mile**
Market (4th to 10th)	26	211
Mission (8th to 20th)	15	129
Geary (Market to Laguna)	10	109
Van Ness (Union to Post)	29	108
Lombard (Buchanan to Richardson)	20	90
Geary (9th to 22nd)	9.9	82
Guerrero (15th to 20th)	11	64
19th Street (Ortega to Vincente)	4.4	64
South Van Ness (16th to Cesar Chavez)	5.1	60
Geary (Laguna to Divisadero)	7.0	58
Divisadero (Clay to Turk	5.5	55
Valencia (16th to 24th)	4.5	34
Citywide Street Average	**0.8**	**7.1**

Bike injuries have increased substantially in San Francisco over recent years. Since 2006, there has been a steady increase in reported bicycle collisions with 368 injuries reported in 2006 and 655 injuries reported in 2011. Bicycle injuries also tend to concentrate on high-injury corridors. The SFMTA has identified corridors with the Highest Number of Bicycle Injury Collisions (2005-2009).[2] Notably, most high-injury bicycle corridors are in the city's bicycle network and are served by some kind of marked bicycle facility. Private shuttle buses operate routes on many of these high injury bicycle corridors (e.g., Valencia).

Corridor	Within Bicycle Network	Bicycle Facilities Present	Collisions from 2005-2009
Market	Yes	Yes	194
Mission	No	No	87
Polk	Yes	Yes	70
Valencia	Yes	Yes	69
16th Street	Yes	Yes	46
Folsom	Yes	Yes	43
Van Ness	No	No	35
Haight	No	No	30
The Embarcadero	Yes	Yes	29
Mason	No	Yes	28
Harrison	Yes	Yes	24
Golden Gate	Yes	Yes	24
Ocean	Yes	Yes	24

II. Transit service is an established spatial risk factor for pedestrian and bicycle injuries

Corridors experiencing the highest frequency of pedestrian and bicycle injuries tend to be corridors well served by transit. The presence and intensity of transit service is an established spatial risk factor for pedestrian injuries. Harwood et al. (2008) found a significant effect of the presence of bus stops on injury rates in a study of pedestrian injuries in Charlotte, which controlled for traffic and pedestrian volume and other land use and demographic characteristics. In Charlotte, the observed frequency of pedestrian injuries was almost 3 fold greater with the presence of one or two bus stops nearby and almost 5 fold greater with 3 or more bus stops nearby. Ukkusuri et al. (2011) studied factors influencing the frequency of serious and fatal pedestrian crashes in New York City.[3] Both the presence of bus and subway stops predicted increased injury frequency with a stronger effect for subway stops. In Toronto, Shalah et al. (2009) found that transit service increased aggregate traffic collision frequencies by 32% with buses increasing risk relative to streetcars.[4]

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[2] SFMTA. Bicycle Collision Report. 2012.

[3] Ukkusuri S, Hasan S, Abdul Aziz HM. A Random-parameter Model to Explain the Effects of Built Environment Characteristics on Pedestrian crash frequency. Transportation Research Record: Journal of the Transportation Research Board. 2012; 2237: 98-106.

[4] Shalah F, Shalaby A, Persaud BN, Hadayeghi A. Analysis of Transit Safety at Signalized Intersections in Toronto. TRB 88th Annual Meeting Compendium of Papers CD-ROM. Washington, D.C., (2009).

There are several reasons for the observed relationship between transit service and pedestrian injuries. First, bus stops are places with greater frequency of conflicts between pedestrians and other road users. Stops are locations where transit users congregate near traffic. Before and after boarding buses, bus passengers are pedestrians, crossing busy roads in proximity to the stop. Second, transit service can be itself associated with risky pedestrian behaviors. Pedestrians may run across a street to catch a bus either without waiting for a signal or in a mid-block location. Pedestrians may also cross the road in front of a stopped bus, a risk more common with bus stops located on the near-side of an intersection. Third, buses impede traffic and visibility. Fourth, motorists often attempt unsafe maneuvers, such as lane changes and speeding, to avoid being behind a stopped bus. Motorists frequently attempt unsafe right turns around a bus stopped at an intersection.

Bus stops are also more likely to be places where bicyclist injuries happen. Miranda-Moreno developed a cyclist injury frequency model based on a sample of signalized intersections on the island of Montreal.[5] While cyclist flows were the most important determinant of injury frequency, the number of bus stops in a 50-meter proximity of intersections increased cyclist injury occurrence. Relative to no bus stops, the proximity of four bus stops increased injury frequency by 50%. Decreased visibility and unsafe motorist behaviors may be explanations for heightened bicyclist injuries risk. In addition, bicycle lane and bus stop design requires buses to often cross or stop within bicycle lanes in order to board passengers.

In 2013, the San Francisco Department of Public Health conducted a detailed study of pedestrian injuries at signalized intersections in San Francisco.[6] Controlling for traffic volumes and other factors, SFDPH found that the presence of a bus stop within 100 feet of an intersection had a significant impact pedestrian injury frequency at the intersection. Injuries increased in proportion to the number of bus stops (see Figure 1 below). Intersections with one stop had a frequency of pedestrian injuries 11% greater than those without stops, and intersections with four stops had a frequency of pedestrian injuries 50% greater than those without stops.

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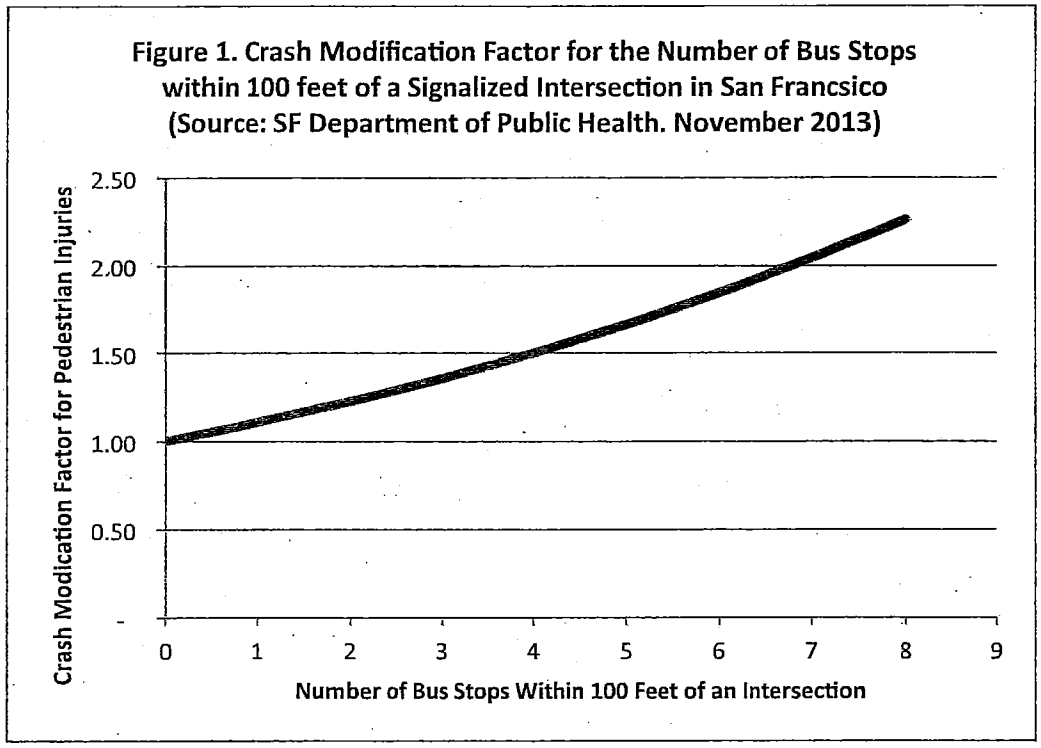
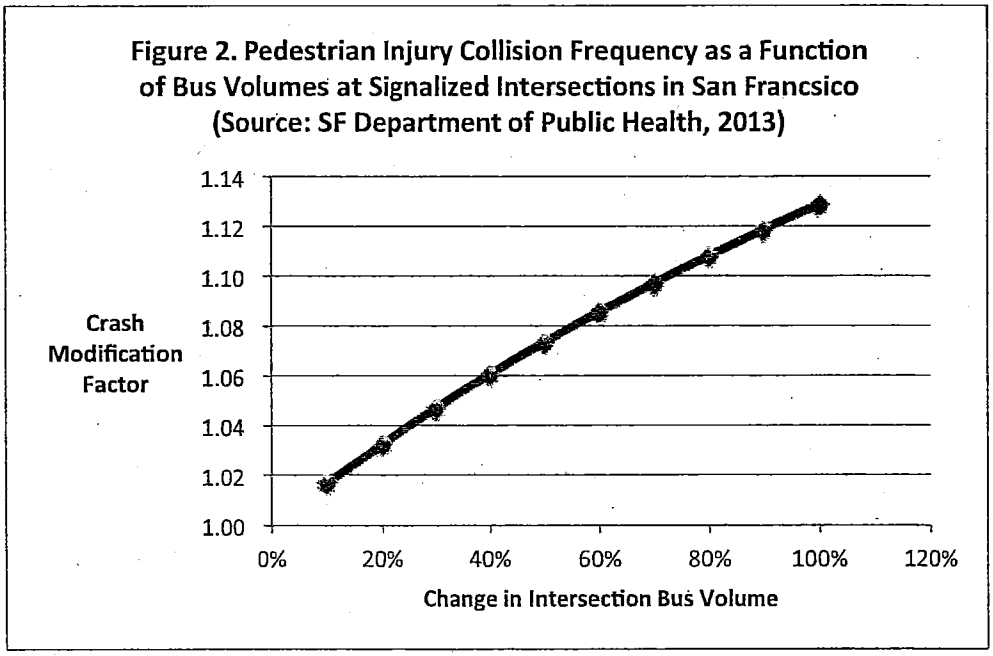
[5] Miranda-Moreno L, Strauss J, Morency P. Exposure Measures and Injury Frequency Models for Analysis of Cyclist Safety at Signalized Intersections. Presented at the 90th Meeting of the Transportation Research Board, Washington, D.C., (2011).

[6] San Francisco Department of Public Health. Modeling Vehicle-Pedestrian Injury Collisions at Signalized Intersections: A Health Forecasting Approach to Informing Pro-active Pedestrian Safety Improvements. Fall 2013.



The Department of Public Health's Pedestrian Injury Model also evaluated the impact of bus volume on intersection level pedestrian injury. The study estimated that an increase in bus volumes of approximately 50% resulted in an increased injury frequency of about 7% (see Figure 2). Importantly, the effect of bus volumes was independent of traffic volume and the proximity of bus stops. ***This effect would apply at every intersection along a shuttle bus route.***



According to the City, as of August 2013, there are at least 48 existing intra-city and intra-regional shuttle bus providers operating 350 shuttle vehicles and 35,000 person-trips on a typical weekday. The estimated shuttle passenger volume is equivalent to approximately 5 percent of total Muni boarding. Published and crowd-sourced data analyzed and mapped by Stamen Design indicated that shuttles are operating on major public transit routes, including north-south arterials such as Van Ness Avenue, Divisadero, Mission, Valencia, Guerrero. ***These are all streets identified as high-injury corridors for serious and fatal pedestrian injuries. Several of these streets have relatively high rates of bicycle injuries as well.***

The operating characteristics and effects on vehicle traffic and pedestrian behavior of employer shuttle buses are likely to be comparable to other public transit vehicles. The Strategic Analysis Report on Shuttle Service conducted by the SF County Transportation Authority in 2011 identified interference with Muni buses service and safety concerns for cyclists and pedestrians as local concerns and negative impacts of the shuttles.[7] Field observations conducted for the SAR identified that many shuttles stopped at red curb zones, which could impede visibility and which could present a safety hazard for other road users, especially pedestrians. Comments heard through outreach raised similar issues – for example, shuttles blocking sightlines, which could result in motorists failing to see pedestrians.

Given that more bus stops and greater bus vehicle volume means more pedestrian accidents in San Francisco, it is likely that shuttle buses are contributing cumulatively to increased injury risk for pedestrians and bicyclists along their routes. Because the proposed SFMTA program allows shuttles to utilize up to 200 of MUNI stops for an estimated 4000 stops per weekday, the SFMTA proposal is likely to concentrate these additional safety risks at intersections on existing high-injury corridors.

III. The City should implement context-specific engineering and enforcement measures to reduce injuries and fatalities at transit stops

High quality transit service and pedestrian and bicyclist safety should be complementary transportation objectives. However, both cities and transit agencies have an obligation to address the safety of passengers accessing transit systems.[8] This requires understanding the effects of the surrounding environment on pedestrians when planning service and stops, and implementing countermeasures to protect pedestrians.

Given their location on high injury corridors and the contributing role of bus service to injury frequency, bus stops should be priority locations for pedestrian and bicycle safety countermeasures. City programs to enable private employers shuttles the use of public bus stops should include specific engineering and enforcement measures to protect and enhance their safety.

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[7] Strategic Analysis Report. The Role of Shuttle Services in San Francisco's Transportation System. San Francisco County Transportation Authority. June 28, 2011.

[8] Nabors D, Schneider R, Leven D, Lieberman K, Mitchell C. Pedestrian Safety Guide for Transit Agencies. FHWA-SA-07-017. February 2008.

In this context, we propose all of the following mitigations be implemented in efforts to limit the impact of shuttle buses on pedestrian and bicyclist injuries:

- Shuttles should utilize only far side bus stop locations to protect intersection visibility, limit conflicts with turning vehicles, and encourage pedestrian crossings behind stopped buses.
- Bus stops should be located only at signalized crosswalks, in order to ensure that pedestrians can cross safely.
- The City should not locate shuttle stops on bicycle routes to avoid bus-bicycle conflicts.
- The City should evaluate intersections selected for high-frequency shuttle stops as candidate locations for engineering countermeasures, including pedestrian phase signals and right and left turn restrictions.
- The City should augment enforcement resources to monitor speed limits and other traffic safety rules at high-frequency shuttle stops.

EXHIBIT D

HUMAN IMPACT PARTNERS
510 452 9442 • 304 12th Street, Suite 3B Oakland CA 94607

MEMORANDUM

To: Richard Drury, Lozeau Drury LLP

From: Human Impact Partners

Re: Private shuttle bus impacts on noise

Date: March 19, 2014

Thank you for requesting an analysis of the potential impact of the SFMTA proposal to permit private shuttle buses to use Muni bus stops on exposure to noise and related health effects. This memo discusses how traffic noise contributes to health impacts, describes how shuttle bus operations contribute to traffic noise in San Francisco, and provides several mitigations that can limit shuttle bus noise impacts.

Overall, it is our opinion that private employer shuttle bus operations contribute cumulatively to noise exposure and adverse health impacts among San Francisco residents living near bus stops and along major transit routes. Importantly, the proposed SFMTA plan will concentrate these noise impacts in proximity to a limited number of MUNI stops, including within traffic corridors with existing health adverse exposures to traffic noise. We recommend that the City evaluate these impacts and consider several additional noise-protective criteria and mitigations if the City proposal is implemented.

I. Traffic noise contributes to significant health impacts in San Francisco

Chronic exposure to road traffic has several well-established impacts on health, including noise annoyance, decreased cognitive functioning and school performance among children, sleep impairment, and excessive alertness. For example:

- Traffic noise results in "noise annoyance" which is defined as "a feeling of resentment, displeasure, discomfort, dissatisfaction, or offense when noise interferes with someone's thoughts, feelings, or actual activities."
- Noise from road traffic impairs cognitive functioning in children, including attention, concentration, sound discrimination, memory, and reading ability.
- Children exposed to moderate levels of road traffic noise develop deficits in reading ability and suffer lower school in school performance.
- Traffic noise can make it difficult to fall asleep and abrupt noises can cause awakenings, which the sleeper may not sense or recall. Even at levels below which awakening may occur, noise produces measurable physiological reactions, such as increase in heart rate and body movements and can cause disturbances of natural sleep patterns by causing shifts from deep to lighter stages.
- An average nighttime noise level of 65 dB will result in self-reported disturbance of sleep in about 15% percent of the population. A single noise event at 80 DB will result in awakenings in about a third of the population.

- Noise triggers autonomic chemical reactions leading to arousal and alertness. Consequentially, noise may cause or aggravate conditions, like heart disease and high blood pressure, related to chronic stress.

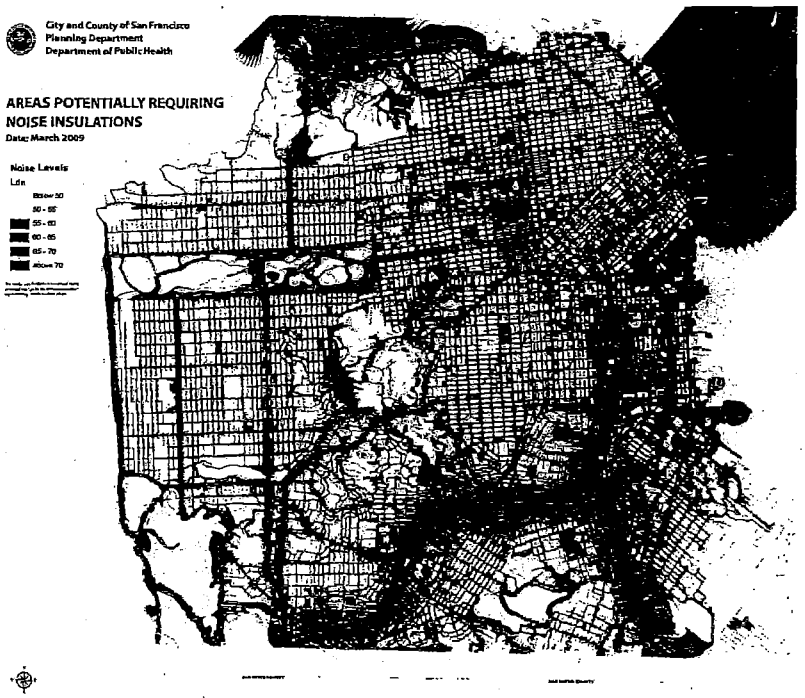
The US EPA and the World Health Organization (WHO) have established health-protective thresholds for noise in various contexts. Table 1 lists the relevant thresholds for residential uses. In 1998, WHO established 55 dBA outdoors as health protective daytime noise level (L_{day}) for residential areas. WHO Europe recently established 40 dBA as a protective limit for average nighttime levels (L_{night}). According to the US Department of Housing and Urban Development, day-night average levels (Ldn) above 65 dB should be considered "normally unsatisfactory" for residential land uses. In California, ambient noise levels above 60 dB trigger building code requirements to assess ambient noise and to design building envelopes to maintain indoor noise levels less than 45 dB.

Table 1. Summary of Noise Thresholds

Agency	Measure	Health Protective Threshold Value
USEPA[1]	L_{dn}, Indoors	45 dbA
WHO	L_{eq}(16h), Outdoors	55 dbA
WHO	L_{night}, Outdoor	40 dbA
State of California	L_{dn}, Indoor	45 dbA
San Francisco	L_{eq}, Indoor	45 dBA (10:00 p.m. to 7:00 a.m) 55 dBA (7:00 a.m. to 10:00p.m)

Definitions: L_{dn} = Day-night average sound level; L_{eq} = Equivalent Continuous Sound Level; L_{night} = Average nighttime noise level; dB = decibels; dbA = A-weighted decibels

Motor vehicle traffic is the dominant source of noise exposure in San Francisco. Noise exposure attributable to traffic has been modeled and mapped by the City's Planning and Health Departments. The highest noise levels in San Francisco occur on major public transit corridors. Most transit serving street have noise levels higher than 60 dBA L_{dn} which is the threshold that triggers State of California building code requirements for noise-protective design treatments. Many transit streets in San



[1] USEPA. Noise Levels Identified as Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. 1974

Francisco have average day-night levels that are much higher than 60 dBA. Recent measurements conducted for the SF County Transportation Authority, for example, established the day-night average noise level on Van Ness BRT to be 77.6 dBA.

II. Shuttle bus operations will contribute cumulatively to traffic noise in San Francisco

According to the City, as of August 2013, there are at least 48 existing intra-city and intra-regional shuttle bus providers operating 350 shuttle vehicles and 35,000 person-trips on a typical weekday. The estimated shuttle passenger volume is equivalent to approximately 5 percent of total Muni boarding. Published and crowd-sourced data analyzed and mapped by Stamen Design indicate that shuttles are operating on major public transit routes, including north-south arterials such as Van Ness Avenue, Divisadero, Mission, Valencia, and Guerrero.

A Strategic Analysis Report on Shuttle Service conducted by the SF County Transportation Authority (SFCTA) and published in 2011 identified noise as a local resident concern and a negative impact of the shuttles.[2] Based on interviews conducted by the Authority, noise concerns related specifically to the hours of shuttle operation, diesel engines, and the size of the shuttles. The 2011 SFCTA SAR did not include any measures of shuttle bus noise or a health-risk assessment for noise.

While the operating characteristics of private shuttle buses will vary, available studies indicate that private shuttle buses will contribute to noise emissions, exposure, and health effects in San Francisco. Bus noise at typical intra-urban speeds (<30 mph) stem primarily from engine, fan, and exhaust systems. Shuttles, like other diesel buses, generate considerably more sound energy than passenger vehicles. While the noise from a passing passenger vehicle ranges from 60-65 dB, noise from a typical diesel bus will be 80-85 dB. Several published studies provide illustrative examples of measures of conventional diesel bus noise in different operating conditions. Of the available published reports, two studies in New York City and Nottingham are likely to be most closely representative of bus noise in the San Francisco context (see Tables 2 and 3).

Table 2. Noise Measurements at 16 Bus Stops in New York City[3]

Location	Vehicle	Measurement Location	Operating Conditions	Operating Frequency	L_{eq} (12 hours
New York City	Various	Vehicle Boarding Platforms	Daytime 7am to 7 pm	Unknown	76 dBA

Table 3. Conventional Diesel Bus Single Event Levels in Nottingham, UK[4]

Location	Vehicle	Measurement Location	Operating Condition	Single Event Level

[2] Strategic Analysis Report. The Role of Shuttle Services in San Francisco's Transportation System. San Francisco County Transportation Authority. June 28, 2011.

[3] Neitzel R, Gershon RRM, Zeltser M, Canton A, Akram M. Noise Levels Associated With New York City's Mass Transit Systems. *Am J Public Health*. 2009; 99(8):1393–1399.

[4] Frost M, Ison S. Comparison of Noise Impacts from Urban Transport. Proceedings of the Institution of Civil Engineers. 2007; 160:165-172.

Greater Nottingham, UK	Bombardier Incentro	7.5 meters from vehicle edge	30 mph	82 dBA
			10-15 mph	82 dBA
			Accelerating from stop	87 dBA

Because private shuttle buses are operating on existing transit routes, shuttle noise emissions will contribute cumulatively to noise emissions in areas where existing noise levels are already well above levels protective of public health. Furthermore, shuttles will be operating on many streets where the bus stop is in relatively close proximity to building envelopes and along routes where residences are not protected by acoustical protections required under the California Building code standards.

Frequent short-term noise emissions from shuttle buses are likely to be health significant independent of their contributions to the average day-night level. Noise produced during acceleration when leaving a bus stop can be as much as 20 dB greater than that produced a cruising speed. Single Event Noise levels from diesel shuttle buses are high enough to cause awakenings. In addition, operation of diesel-powered commuter shuttles may occur on routes served by much quieter electric buses.

Overall, it is our opinion that private employer shuttle bus operations contribute cumulatively to noise exposure and adverse health impacts among San Francisco residents living near bus stops and along major transit routes. Importantly, the proposed SFMTA plan will concentrate these noise impacts in proximity to a limited number of MUNI stops, including within traffic corridors with existing health adverse exposures to traffic noise.

III. Available mitigations can limit shuttle bus noise impacts

The San Francisco General Plan establishes City policy to reduce transportation noise impacts on health. POLICY 9.2 explicitly states that it is the policy of the City to restrict traffic on city streets in order to reduce transportation noise, and POLICY 9.6 states that the City discourages changes in streets, which will result in greater traffic noise in noise-sensitive areas.

City policy, along with the above-described evidence of the expected impact of shuttle buses on noise exposure, suggest that programmatic approaches for managing shuttle buses in San Francisco must take into account expected noise emissions and mitigate these impacts to the extent feasible. In this context, we recommend that the City evaluate the following mitigations to limit the impact of shuttle buses on noise and health:

- Restrict shuttle buses utilization of MUNI stops to the day time and early evening
- Avoid stops on traffic corridors, for example, Guerrero, Van Ness, and Divisadero already highly impacted by traffic noise (e.g. corridors with day night levels >70 dBA).
- Limit the frequency of use of any single stop.
- Establish a minimum buffer from residential uses for permitted stops.
- Require shuttle operators to use low-noise emission vehicles.
- Subsidize acoustical insulation at high-frequency stops on existing transit corridors.

EXHIBIT E

Notice of Exemption *CEQA Guidelines Appendix E*

To: ■ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

■ *San Diego County Recorder/County Clerk*
1600 Pacific Highway, Suite 260
San Diego, CA 92101-2480

From: (Public Agency)
San Diego Unified Port District
Environmental & Land Use Mgmt Dept.
3165 Pacific Highway
San Diego, CA 92101

FILED
Ernest J Dronenburg, Jr. Recorder County Clerk
NOV 20 2013
BY G. Meza DEPUTY

Project Title: *Update to the San Diego Bay Integrated Natural Resources Management Plan*
Project Location – Specific: *San Diego, CA*
Project location – City: *San Diego* **Project Location – County:** *San Diego*

Description of Nature, Purpose, and Beneficiaries of Project: *The proposed project is an update to the 2000 San Diego Bay Integrated Natural Resources Management Plan (INRMP), which was adopted by the Board of Port Commissioners (Board) by Resolution No. 2002-106 on May 7, 2002. This INRMP update includes new goals and objectives for water and sediment quality, sustainability, climate change, natural resource damage assessment, and ecological indicators. Additionally, the INRMP includes updated natural resource surveys for eelgrass, avian, and fisheries populations.*

The INRMP goal is to ensure the long-term health, recovery and protection of San Diego Bay's ecosystem in concert with the Bay's economic, Naval, recreational, navigational and fisheries needs. The INRMP provides the goals, objectives, and policy recommendations to guide planning, management, conservation, restoration and enhancement of the Bay's natural resources including providing support to the Navy's and Districts missions.

The INRMP is a non-regulatory guide to make better, more cost-effective decisions to manage the Bay's natural resources. The INRMP reviews, evaluates, and determines the accuracy of all existing data regarding natural resources of San Diego Bay and provides management recommendations to protect the Bay's natural resources.

Name of Public Agency Approving Project: *San Diego Unified Port District (SDUPD)*
Name of Person or Agency Carrying Out Project: *Eileen Maher, SDUPD, 3165 Pacific Highway, San Diego, CA 92101; (619) 686-6532*

Exempt Status: (Check one):
- □ Ministerial (Sec. 21080(b)(1); 15268);
- □ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- □ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ■ **Categorical Exemption:** ***Information Collection (SG § 15306) (Class 6)***
- □ Statutory Exemption. State code number:

Reason why project is exempt: *The project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15306 (Information Collection) and Section 3.f of the District's Guidelines for Compliance with CEQA because it is an update to the INRMP, which evaluates resources within San Diego Bay and will not result in a serious or major disturbance to an environmental resource. Section 3.f of the District's CEQA Guidelines is as follows:*

3.f. Information Collection (SG § 15306) (Class 6): Includes basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for information gathering purposes, or as part of a study leading to an action which has not yet been approved, adopted or funded.

Lead Agency Contact Person and telephone number: *Mayra Medel, (619) 686-6598*

Signature: Mayra Medel **Date:** 11/20/13 **Title:** Associate Redevelopment Planner

- ■ Signed by Lead Agency
- □ Signed by Applicant

Date received for filing at OPR/Clerk:

FILED IN THE OFFICE OF THE COUNTY CLERK
San Diego County on NOV 20 2013
Posted NOV 20 2013 Removed
Returned to agency on
Deputy G. Meza

State of California—The Resources Agency
DEPARTMENT OF FISH AND WILDLIFE

2013 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# SD2013 0973

STATE CLEARING HOUSE # *(If applicable)* —

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY	DATE
SAN DIEGO UNIFIED PORT DISTRICT	11/20/2013
COUNTY/STATE AGENCY OF FILING	**DOCUMENT NUMBER**
SAN DIEGO	*20130973*

PROJECT TITLE UPDATE TO THE SAN DIEGO BAY INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN

PROJECT APPLICANT NAME			PHONE NUMBER
EILEEN MAHER, SDUPD			(619) 686-6532
PROJECT APPLICANT ADDRESS	**CITY**	**STATE**	**ZIP CODE**
3165 PACIFIC HIGHWAY	SAN DIEGO	CA	92101

PROJECT APPLICANT *(Check appropriate box)*:

☑ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report	$2,995.25	$
☐ Negative Declaration	$2,156.25	$
☐ Application Fee Water Diversion *(State Water Resources Control Board Only)*	$850.00	$
☐ Projects Subject to Certified Regulatory Program	$1,018.50	$
☑ County Administrative Fee	$50.00	$ $50.00
☐ Project that is exempt from fees		
☑ Notice of Exemption		
☐ DFG No Effect Determination (Form Attached)		
☐ Other _____		$

PAYMENT METHOD:

☐ Cash ☐ Credit ☑ Check ☐ Other CHK: 153413 TOTAL RECEIVED $ $50.00

SIGNATURE	TITLE
X G. Meza	Deputy

ORIGINAL - PROJECT APPLICANT COPY - DFG/ASB 674 COPY - LEAD AGENCY COPY - COUNTY CLERK FG 753.5a (Rev. 7/08)

Ernest J. Dronenburg, Jr.

COUNTY OF SAN DIEGO

ASSESSOR/RECORDER/COUNTY CLERK

ASSESSOR'S OFFICE
1600 Pacific Highway, Suite 103
San Diego, CA 92101-2480
Tel. (619) 236-3771 * Fax (619) 557-4056

www.sdarcc.com

RECORDER/COUNTY CLERK'S OFFICE
1600 Pacific Highway, Suite 260
P.O. Box 121750 * San Diego, CA 92112-1750
Tel. (619)237-0502 * Fax (619)557-4155

Transaction #: 307632320131120
Deputy: GMEZA1
Location: COUNTY ADMINISTRATION BUILDING
20-Nov-2013 11:42

FEES:

50.00	Qty of 1 Fee Notice of Exemption for Ref# 2013 0973
50.00	TOTAL DUE

PAYMENTS:

50.00	Check
50.00	TENDERED

SERVICES AVAILABLE AT OFFICE LOCATIONS

* Tax Bill Address Changes
* Records and Certified Copies:
  Birth/ Marriage/ Death/ Real Estate
* Fictitious Business Names (DBAs)
* Marriage Licenses and Ceremonies
* Assessor Parcel Maps
* Property Ownership
* Property Records
* Property Values
* Document Recordings

SERVICES AVAILABLE ON-LINE AT www.sdarcc.com

* Forms and Applications
* Frequently Asked Questions (FAQs)
* Grantor/ Grantee Index
* Fictitious Business Names Index (DBAs)
* Property Sales
* On-Line Purchases
  Assessor Parcel Maps
  Property Characteristics
  Recorded Documents

Attachment C:

NOTICE OF EXEMPTION

TO:	Clerk of the Board County of Santa Barbara County Administration Bldg 105 E. Anapamu St, 4th Floor Santa Barbara, CA 93101	FROM:	The Office of Long Range Planning Planning & Development Dept County of Santa Barbara 30 E. Figueroa St. upstairs Santa Barbara, CA 93101

Project Title: Selecting a Provisional Planning Area for the Update of the Goleta Community Plan

Project Location: Unincorporated 2nd Supervisorial District and small southern portion of 3rd District, including the Isla Vista Planning Area

Project Description: This discretionary action by the Board of Supervisors of the County of Santa Barbara will consider a recommendation regarding the selection of a provisional planning area for the update of the 1993 Goleta Community Plan (GCP) and a procedure to restrict rezones and/or general plan amendments within a portion of the provisional Goleta Planning Area.

Name of Public Agency Approving: The County of Santa Barbara, Board of Supervisors

Exempt Status: (Check one)

___ Ministerial
___ Statutory
_X_ Categorical Exemption: CEQA Section 15306: Class 6 Exemption
___ Emergency Project
___ Consistent with Existing General Plan

Reasons to support exemption findings (attach additional material, if necessary):

Pursuant to Chapter 3: Guidelines for Implementation of the California Environmental Quality Act (CEQA), Section 15306, the selection of a provisional planning area for the update of the Goleta Community Plan and the proposed procedural policy restricting rezone and general plan amendment application are not subject to CEQA. As a Class 6 Exemption under CEQA, the selection of the provisional planning area and the approval of the procedural policy are procedural steps in the process to initiate the update of the Goleta Community Plan, which the County Board or Supervisors has not yet considered or adopted. Current land use and zoning would remain unchanged until such time as the updated Goleta Community Plan is adopted by the Board of Supervisors and, therefore, no environmental impacts associated with this discretionary action by the Santa Barbara County Planning Commission and Board of Supervisors to select a provisional boundary for the purposes of updating the 1993 Goleta Community Plan would occur. Environmental review would occur for the revised Goleta Community Plan prior to County Board of Supervisors adoption. Therefore, it is proposed that the Board of Supervisors accept Attachment C, a determination that CEQA Guidelines §15306 applies to this discretionary action.

Department/Division Representative Signature **Acceptance Date:**

Note: Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Distribution: Hearing Support Staff [for posting 6 days prior to action, and posting original after project approval]
Project file (when P&D permit is required)

Date Filed by County Clerk

F:\GROUP\COMP\Planning Areas\GOLETA\Community Plan\2007 Community Plan Update\Boundary Investigation\NOE.doc

FILED
Ernest J Dronenburg, Jr. Recorder County Clerk

JUN 28 2012
H. Ayuyao
BY_____ DEPUTY

EXHIBIT A

Notice of Exemption

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: **Olivenhain Municipal Water District**
1966 Olivenhain Road
Encinitas CA, 92024

☒ County Clerk
County of: San Diego
1600 Pacific Highway, Room 260
San Diego, CA 92112

Project Title: Olivenhain Municipal Water District's (OMWD) San Elijo Valley Groundwater Project - Research and Pilot Well Partnership with U.S. Geological Survey (USGS)

Project Location - Specific: Within the Caltrans Right of Way along the trail in the San Elijo Lagoon – east of and immediately adjacent to Highway 5. Note the well site is also within a utility easement owned by the City of Solana Beach which is operated by the San Elijo Joint Powers Authority.

Project Location - City: Encinitas
Project Location County: San Diego

Description of Nature, Purpose, and Beneficiaries of Project: The proposed research project is a partnership between OWMD and the USGS, and is being conducted in coordination with the San Elijo Lagoon Conservancy, the San Elijo Joint Powers Authority, and the Cities of Solana Beach and Encinitas. OWMD and USGS have identified a site for a proposed pilot well immediately adjacent to the northbound lane of Interstate 5 (I-5) and within a utility easement in the San Elijo Lagoon. The purpose of the pilot well is to determine the quantity and quality of a deep water aquifer beneath the lagoon and obtain an understanding of the geology of the lagoon area. The District will use this information in assessing the feasibility of developing a source of groundwater in the lagoon to reduce reliance on imported raw water for treatment and distribution to the District's customers. USGS will incorporate the information into their San Diego Hydrogeology project, a regional water resources study.

Name of Public Agency Approving Project: Olivenhain Municipal Water District

Name of Person or Agency Carrying Out Project: Olivenhain Municipal Water District & the USGS

Exempt Status: *(check one)*

- ☐ Ministerial (Sec. 21080(b)(l); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemptions. State type and section number: PRC 21084, CEQA Article 19, Section 15303, 15304 & 15306 - Class 3, Class 4, and Class 6
- ☐ Statutory Exemptions. State code number:

Reasons why project is exempt: This research project and pilot test well qualifies under three different categorical exemptions. The pilot test well qualifies under Class 3 as it is the drilling of a well that is small. The entire pilot well drill site is 40' by 110' (under 1/10th of an acre) and, once the drilling is complete, there will be a small 3' by 5' cover in place on the surface. This is only a pilot well to collect data and will not be used if OMWD decides to proceed with a project in the future. The pilot test well also qualifies under Class 4 as it consists of minor public alterations in the condition of land which does not involve removal of healthy, mature, scenic trees. As noted above, the site is 40' by 110' and is within the CalTrans right of way adjacent to Highway 5 and within a utility easement owned by the City of Solana Beach in the San Elijo Lagoon. The alteration to the land will ultimately be a 3' by 5'cover over the well. No mature trees will be removed by this project and existing trails will be used for access. This project also qualifies under Class 6 as the purpose of the well is for data collection, research, and resource evaluation activities for both OMWD and USGS and does not result in a serious or major disturbance to an environmental resource. This pilot well and the data being gathered from it are for informational purposes only in order to determine the quantity and quality of a deep water aquifer beneath the San Elijo lagoon, and to obtain an understanding of the geology of the lagoon area.

Lead Agency
Contact Person: Kimberly Thorner **Area Code/Telephone/Extension:** (760) 753-6466 ext 113

Signature: Kimberly Thorner Date: 6/27/12 Title: General Manager

☒ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR:

RESOLUTION NO. 2012-17

RESOLUTION OF THE BOARD OF DIRECTORS OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT MAKING CEQA FINDINGS FOR THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S (OMWD) SAN ELIJO VALLEY GROUNDWATER PROJECT - RESEARCH AND PILOT WELL PARTNERSHIP WITH U.S. GEOLOGICAL SURVEY (USGS) AND ORDER A NOTICE OF EXEMPTION BE FILED WITH THECOUNTY CLERK, COUNTY OF SAN DIEGO

WHEREAS, the Olivenhain Municipal Water District (District) encompasses approximately 48 square miles in the northwestern portion of San Diego County; and

WHEREAS, the District owns and operates potable water, recycled water and sewer pipelines and related facilities within the District which serve approximately 80,000 residents; and

WHEREAS, the District currently imports 100% of its raw water supply and desires to study and research groundwater basins within its jurisdiction; and

WHEREAS, the District proposes to partner with the US Geological Survey to determine the quantity and quality of a deep water aquifer beneath the San Elijo Lagoon within the District's service and obtain an understanding of the geology of the lagoon area; and

WHEREAS, the District will use information and data from this research and pilot well partnership in assessing the feasibility of developing a source of groundwater in the lagoon and USGS will incorporate the information into their San Diego Hydrogeology project, a regional water resources study; and

WHEREAS, under the State of California Public Resources Code Section 21084 and CEQA Guidelines Section 15303, construction and location of limited numbers of new, small facilities including utility extensions, are Categorically Exempt and is exempt from the provisions of CEQA; and

WHEREAS, under the State of California Public Resources Code Section 21084 and CEQA Guidelines Section 15304, minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees are Categorically Exempt and is exempt from the provisions of CEQA; and

WHEREAS, under the State of California Public Resources Code Section 21084 and CEQA Guidelines Section 15306, basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource are Categorically Exempt and is exempt from the provisions of CEQA.

These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded; and

WHEREAS, pursuant to the CEQA Guidelines, the Olivenhain Municipal Water District Board of Directors has caused to be prepared a Notice of Exemption according to the State of California Public Resources Code Section 21084; and

WHEREAS, having heard, considered, and reviewed information from interested persons who expressed their views to the Board of Directors, it is in the interest of the Olivenhain Municipal Water District and the people it serves to order a Notice of Exemption filed with the County Clerk, County of San Diego.

NOW, THEREFORE, the Board of Directors of the Olivenhain Municipal Water District does hereby find, determine, resolve and order as follows:

SECTION 1: The foregoing facts are found and determined to be true and correct.

SECTION 2: In accordance with the California Environmental Quality Act (CEQA) Guidelines, the Board of Directors finds and determines that the Olivenhain Municipal Water District's San Elijo Valley Groundwater Project – Research and Pilot Well Partnership with the US Geological Survey is exempt from CEQA for the following reasons:

1. The Project is exempt in accordance with CEQA Guidelines Article 19, Section 15303, construction and location of limited numbers of new, small facilities including utility extensions. The project consists of the drilling of a well that is small in its footprint. The entire pilot well drill site is 40' by 110' (under 1/10th of an acre) and, once the drilling is complete, there will be a small 3' by 5' cover in place on the surface. This project is only a pilot well to collect data and will not be used if OMWD decides to proceed with a project in the future.

2. The Project is exempt in accordance with CEQA Guidelines Article 19, Section 15304, minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. The pilot test well consists of minor public alterations in the condition of land which does not involve removal of healthy, mature, scenic trees. The entire project site is 40' by 110' and is within the CalTrans right of way adjacent to Highway 5 and within a utility easement owned by the City of Solana Beach in the San Elijo Lagoon. The alteration to the land will ultimately be a 3' by 5'cover over the well. No mature trees will be removed by this project and existing trails will be used for access.

3. The Project is exempt under CEQA Guidelines Article 19, Section 15306, basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. The purpose of this pilot well project is for data collection, research, and resource evaluation activities for both OMWD and USGS and does not result in a serious or major disturbance to an environmental resource. This pilot well and the data being gathered from it are for informational purposes only in order to determine the quantity and quality of a deep water aquifer beneath the San Elijo lagoon, and to obtain an understanding of the geology of the lagoon area.

SECTION 3: The Board of Directors of the Olivenhain Municipal Water District finds that the justifications and reasons for the proposed activity are set forth in Exhibit "A" attached hereto and incorporated herein.

SECTION 4: The Board of Directors of the Olivenhain Municipal Water District hereby directs the District's General Manager to promptly file a Notice of Exemption with the County Clerk of the County of San Diego, stating that the project is exempt from the reporting requirements of CEQA in accordance with Public Resources Code Section 21084.

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors of the Olivenhain Municipal Water District held on June 27, 2012.

Edmund K. Sprague, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

Gerald E. Varty, Secretary
Board of Directors
Olivenhain Municipal Water District

State of California—The Resources Agency
DEPARTMENT OF FISH AND GAME

2012 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# SD2012 0561

STATE CLEARING HOUSE # *(If applicable)* ---

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY			DATE
OLIVENHAIN MUNICIPAL WATER DISTRICT			06/28/2012
COUNTY/STATE AGENCY OF FILING			DOCUMENT NUMBER
SAN DIEGO			*20120561*
PROJECT TITLE OLIVENHAIN MUNICIPAL WATER DISTRICT'S (OMWD) SAN ELIJO VALLEY GROUNDWATER PROJECT - RESEARCH AND PILOT WELL PARTNERSHIP WITH U.S. GEOLOGICAL SURVEY (USGS)			
PROJECT APPLICANT NAME			PHONE NUMBER
OLIVENHAIN MUNICIPAL WATER DISTRICT & THE USGS			760/753-6466 EXT 113
PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE
1966 OLIVENHAIN ROAD	ENCINITAS	CA	92024

PROJECT APPLICANT *(Check appropriate box)*:

☐ Local Public Agency ☐ School District ☑ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report	$2,919.00	$
☐ Negative Declaration	$2,101.50	$
☐ Application Fee Water Diversion *(State Water Resources Control Board Only)*	$850.00	$
☐ Projects Subject to Certified Regulatory Programs	$992.50	$
☑ County Administrative Fee	$50.00	$ $50.00
☐ Project that is exempt from fees		
☑ Notice of Exemption		
☐ DFG No Effect Determination (Form Attached)		
☐ Other		$

PAYMENT METHOD:

☐ Cash ☐ Credit ☑ Check ☐ Other 60835 TOTAL RECEIVED $ $50.00

SIGNATURE	TITLE
X H. Ayuyao	Deputy

ORIGINAL - PROJECT APPLICANT COPY - DFG/ASB 682 COPY - LEAD AGENCY COPY - COUNTY CLERK FG 753.5a (Rev. 7/08

EXHIBIT F

THE "GOOGLE SHUTTLE EFFECT:" GENTRIFICATION AND SAN FRANCISCO'S DOT COM BOOM 2.0

ALEXANDRA GOLDMAN

PROFESSIONAL REPORT
Submitted in partial satisfaction of the requirements for the degree

of

MASTER OF CITY PLANNING

in the

Department of City and Regional Planning

Of the

UNIVERSITY OF CALIFORNIA, BERKELEY

APPROVED

Carolina Reid
Karen Chapple

Date: Spring 2013

List of Figures

Change is happening in San Francisco. Newspaper articles ask: "SF Gentrification 2.0 -- For Better Or Worse?" (Kurwa 2013) or proclaim "Gentrification no longer a dirty word" (Nevius 2013), while others lament the rise of the "Bacon-Wrapped Economy" (Cushing 2013). Every month brings a report of rising rents, while local residents struggle to keep track of the new restaurants and boutiques opening and the proliferation of cranes dotting the skyline. As of April 2013, San Francisco supervisors are considering a moratorium on new restaurants on Valencia Street (a main thoroughfare of the Mission District) and there are 26 cranes in a city that only covers 49 square miles.

Almost as hard-to-miss as the cranes are the "Google buses:" huge, unmarked, shuttles bringing well-paid tech workers from San Francisco to their jobs in the Silicon Valley. In many ways, the Google Buses have become a stand-in for the generalized anxiety about another dot-com boom. While the city, through the Muni Partners Program, is seeking to regulate these private shuttles, the broader issue of how these buses are affecting housing equity and gentrification has not entered this dialogue.

While these symbols of "gentrification" may be highly visible, the causes of change and the ways to mitigate gentrification are harder to discern. This paper seeks to link the invisible processes of gentrification with the visible, in the hope of keeping San Francisco a just and equitable city. Focusing on the Google buses is symbolic, as the shifting relationship between the Silicon Valley and San Francisco is creating this boom. But focusing on the buses is also practical; I contend that the buses are concretely contributing to gentrification, and that by pinpointing a specific cause (of many), we can better fight gentrification.

First, this paper has a normative project. While city planners argue for various locations in the Equity-Efficiency-Environment triangle (Campbell), I am primarily interested in a project of equity. Lower-income people should not bear the brunt of the negative externalities of economic development. I hope to contribute to city-wide efforts to combat gentrification through my research.

This report suggests that the Google Shuttles are driving up rental prices within a walking distance (half mile) of five of the shuttle stops, based on rental data from 2010 through 2012, Craigslist ads, quotations from real estate agents, and models of transit-based and neoliberal gentrification. It is my contention that gentrification in San Francisco is not the result of inevitable market forces, but the result of specific actions, or inactions, designed to contribute to the economic growth of the city. By illuminating these specific (in)actions, we can seek to find greater justice in the face of the powerful forces of gentrification.

To begin my argument, I will discuss the literature on gentrification, focusing on two relatively new strains of gentrification theory: super-gentrification, and neoliberal gentrification, and establishing a common framework for understanding these contentious terms. I will then provide some context for the current dot com boom 2.0 in San Francisco, framing it in the long history of business interests displacing poor people in San Francisco. Then, I will briefly discuss the current moment in San Francisco, discussing the "hot" housing market, the recent spate of evictions, and the very pro-Tech administration of current mayor Ed Lee.

In discussing the contribution of economic growth to displacement in San Francisco, I seek to follow in the footsteps of Chester Hartman, who, in his book *City for Sale: The Transformation of San Francisco* (2002), illustrates that San Francisco manifests "the golden rule... those who have the gold get to make the rules," yet claims "it would be incorrect to describe the transformation of San Francisco as a large-scale secret conspiracy. Rather, it is a confluence of power public- and private-sector actors operating in their class and personal interest" (p. 393). I, like Hartman, seek to "analyze those mostly open acts in order to reveal their order and purpose" (p. 393).

In the second half of my paper, I will discuss the Google shuttles and move into my data illustrating gentrification around five of the stops. Finally, having hopefully illuminated some of the drivers of gentrification in San Francisco, I will make suggestions on how to move forward.

Gentrification: "the knife edge of Neoliberal Urbanism"

During the course of my research, I have started calling gentrification "the G word," because it can elicit extremely strong, unintended reactions. People become defensive or offensive, at turns hurt and exasperated around the use of this word. Occasionally, I have tried to avoid using it altogether. Some theorists, such as Liz Bondi, have even argued that the word should "disintegrate under the weight" of its many definitions (Bondi, 1999 p.255). However, as Loretta Lees, Tom Slater and Elvin Wyly (2008) argue, the word "gentrification" comes with some useful political baggage: that is, it invokes the issue of "class-based displacement and oppression," which makes it valuable for arguing in favor of equity in the face of seemingly neutral terms like "revitalization" and "regeneration" (p.155).

The concept of "gentrification" has a robust, albeit variegated, grounding in planning theory, and in the section that follows I will lay out a working definition of gentrification, and unpack some of its components. Of note, in particular, is how contemporary discussions of gentrification lead to discussions of "neoliberalism," another loaded term. This section will seek to link these two concepts as a crucial framework for understanding what is currently happening in San Francisco.

Consumption-side and Supply-side Gentrification

In extremely simplified terms, Lees, Slater, and Wyly (2008) define gentrification as "the transformation of a working-class or vacant area of the central city into middle-class residential and/or commercial use" (p.xv). While contemporary debates on gentrification problematize almost every component of this definition (can areas other than vacant or "working-class" neighborhoods be gentrified? Can places other than the central city be gentrified?), it provides a useful starting point for our brief discussion here.

Traditional gentrification literature has been dominated by two points of view: consumption-side and supply-side. Consumption-side theorists like David Ley (1994)

and Jon Caulfield (1989) are interested in the demographic and social shifts that create a "new middle class" with the desire to move (or return) to central cities. As Lees (2000) explains, "gentrification is deemed to be a spatial manifestation of... new cultural values" (p. 396). These theorists therefore focus on the role of aesthetics of the city, the emergence of new social norms (like increasing numbers of women in the workforce, and delaying child-birth), and the possibility of urban space as "emancipatory" in enticing more moneyed demographics to an area (Lees). Consumption-side theories posit gentrification as a somewhat inevitable outcome of shifting consumer preferences.

Supply-side theorists focus more on the policies and economics of urban space, looking at broader issues of uneven development under capitalism. Neil Smith's (1979) rent gap hypothesis is one of the most pivotal theories of supply-side discussions. Smith argues that gentrification is a result of capital moving into under-invested areas to close the gap between the land's current rent and its potential rent. As urban areas become increasingly profitable, developers and governments seek to maximize their return on the space, and this process of investment causes gentrification. Supply-side theories link gentrification to the movement of global capital and neoliberalism in a way that will be discussed in greater detail below.

The supply/consumption-side debate is representative of earlier stages, and perhaps less sophisticated understandings, of gentrification. Today, most theorists incorporate both elements into their discussions of gentrification. For my analysis, I consider both the impact of a wealthy population moving into a desirable area, and the larger economic and political forces that encourage them to do so.

Super-Gentrification

Loretta Lees (2000) saw the need to extend a theory of gentrification to already-gentrified areas; she labels this not theoretically complex but still significant process "super-gentrification." Lees writes, "many first-stage (sweat equity) gentrifiers have sold their property to new (very well-off gentrifiers), who are regentrifying property in the neighborhood" (p. 398). This addendum to the gentrification theory is significant

because it extends the class-based, politicized analysis of gentrification to areas that are *not* considered under-invested or "vacant." It also contests the notion that there is an end-stage to gentrification, or that it gentrification is a process that can be divided into neat stages. In the case of San Francisco, as we will see below, many of the areas currently being "gentrified" have already faced previous waves of gentrification. Lees' theory allows us to acknowledge the past history of gentrification, yet leaves room for its intensification.

Neoliberalism

Jason Hackworth (2007) defines gentrification as "the knife-edge" of neoliberal urbanism (p. 149), continuing in the vein of Smith's (1979) linkage of gentrification to uneven capital development mentioned above. If "gentrification" is a word that threatens to collapse under its own multitude of meanings, "neoliberalism" is surely even closer to self-destruction. However, a series of incisive theories, put forth by David Harvey (1989), Jamie Peck (2010), Jason Hackworth (2007) and Neil Smith (1996) among others, render the nebulous term useful for "actually existing" cities.

Most of these scholars agree that neoliberalism is "polycentric," "multiscalar," and dialectic, existing in a state of flux that allows it to "fail forward" and embrace its multitudes of contradictions (Brenner and Theodore 2002, Peck 2010, Hackworth 2007). However, Peck warns that neoliberalism is not "a metaphor for the ideological air we all must breathe" but instead "an open-ended and contradictory process of politically assisted market rule" (p. 2) characterized by both "roll back" policies, such as privatization or dismantling of public services, as well as "roll out" policies, such as escalating surveillance and police presence. These policies pave the way for increased capital accumulation.

Neoliberalism is particularly involved in dismantling the vestiges of Keynesian market liberalism, which, as Hackworth explains, makes neoliberalism particularly virulent in cities (Hackworth 2007 p.149). Cities represent some of the most obvious and physical manifestations of Keynesian government as seen in the form of public

housing, high concentrations of welfare recipients, and public space, and thus are especially targeted for neoliberal policies. The reclamation of the Keynesian urban spaces in the service of capital can also be seen as a mode of gentrification. Smith (1996) has described this neoliberal gentrification as a "revanchist" or revengeful process of class-based repossession of land from poor people.

David Harvey (1989) also discusses the role of neoliberalism in the gentrification of the urban landscape. In the post-industrial era, capital is no longer "fixed" in the form of factories and machinery, at least not in the United States. Thus, cities must find ways to secure their share of this footloose capital in an era of insecurity and change, by integrating "traditional local boosterism... with the use of local government powers to try and attract external sources of funding, new direct investments, or new employment sources." (Harvey 1989, p.7). Cities must, in effect, become entrepreneurs. Smith describes this process as *the city becoming the agent of the market*, instead of vice versa.

Harvey Molotch (1976) also captures much of this dynamic by framing the "city as a growth machine." Molotch asserts "the political and economic essence of virtually any given locality, in the present American context, is growth" (p.310); and that as businesses and governments seek growth they shape the "conditions of community life" with uneven socio-economic impacts (p. 309).

As we explore the current situation in San Francisco in greater detail below, we will see how San Francisco's government has become, in many ways, an agent of private capital, and how this may contribute to gentrification.

Operationalizing Gentrification

While the academic underpinnings of gentrification are valuable to an examination of the Google buses in San Francisco, it is also useful to look at some of the more practical ways that gentrification has been studied.

To start, how does one operationalize gentrification? From the literature reviewed above, a few measurable characteristics stand out. First, the movement of

people of higher income into areas of lower-income can be measured through longitudinal studies of neighborhood income (such as from census data). Since income is often correlated with educational status and race, some researchers will also use changes in these indicators as a measure of gentrification. Individuals with higher-incomes are able to pay more for housing, and thus landlords will be incentivized to raise rents and homes will sell for more on the market. Hence, rises in rent and housing prices can also be signifiers of gentrification.

As rents rise, low-income people may be forced to move from their houses, especially those who are already paying a larger proportion of their income on housing (Chapple 2009, p.1), in a process of *displacement*. Kathe Newman and Elvin Wyly (2006) write, "residents may be displaced as a result of housing demolition, ownership conversion of rental units, increased housing costs (rent, taxes), landlord harassment and evictions" (p. 27).

Displacement is an important, and troubling, component of gentrification for those concerned with equity in the city, though it is notoriously hard to measure. Newman and Wyly explain, "by definition displaced residents have disappeared from the very places where researchers and census-takers go to look for them." While some (Freeman and Barconi 2004, Ellen and O'Regan 2011) have argued that low-income residents actually are more likely to stay in a neighborhood as rents increase, many, like Newman and Wyly (2006), Peter Marcuse (1986) and others, argue that rent increases drive lower-income people from neighborhoods.

Finally, I would like to acknowledge the role of transportation investment in gentrification. Transit-oriented development (TOD), policies that concentrate housing and commercial space around transit nodes, has been shown to increase rents (though not necessarily cause displacement) within a half-mile radius of the transit nodes (ABAG 2010). According to a study by the Center for Transit Oriented Development (CTOD) (2008), the housing premium can be from one-to 45 percent higher in these areas. As a report by the Association of Bay Area Governments (ABAG) explains, transit-investment does not gentrify directly (i.e., the gentrification is not caused by people being literally

removed from their homes urban-renewal-style), but indirectly. Instead, ABAG finds: "This suggests that indirect displacement does not happen immediately after the opening of a transit station, but is rather tied to a surge in wealthy residents that choose the area because they find transit an amenity, along with attractive housing options and walkable neighborhoods" (p. 11).

Additionally, housing market economics demonstrate that as individuals' economic transportation burdens decrease, their ability to pay for housing increases. Thus, if individuals are provided with free or reduced-cost transportation, they will be able to demand a higher-bundle of housing services, and may force prices upward.

In the rest of this paper, I will illustrate that the gentrification occurring in San Francisco is not the inevitable by-product of market processes, but instead the result of specific and deliberate moments- moments planned both to help attract capital and to upgrade transportation options.

"Too valuable to permit poor people to park on it:" A brief history of gentrification in San Francisco

San Francisco has a long history of displacing poor people. Since the 1950s, San Francisco has held appeal as the "New York City" of the West, that is, as "the darling of Pacific Rim trading" (Harvey 1989, p.13). Often, San Francisco politicians have eagerly obliged private capital's desired incursions on the urban fabric, making the city a perfect manifestation of Molotch's "growth machine" theory. As RIchard DeLeon discusses in "The Urban Anti-Regime" (1992), coalitions of business and city hall have worked tirelessly to remove "unwanted people and structures from the Embarcadero, Western Addition, and South of Market areas to make room for a convention center, hotels, office space, boulevards and luxury housing" (p.558). Some of the most well-documented moments of displacement include redevelopment of the Western Addition in the 1960s, tearing down of the International Hotel in the early 1980s, and the dot

com boom of the late 1990s. Justin Herman, the former director of the San Francisco Redevelopment Agency explained in 1970, "This land is too valuable to permit poor people to park on it" (Hartmann 2002, p.71).

The dot com bubble in the late 1990s is of particular note for this paper. Dick Walker (2006) writes, "the city was picked up, shaken until it rattled, and then dropped into a new configuration" (p. 121). Silicon Valley, located directly south of San Francisco and extending until San Jose along the West side of the Bay, has been a conglomeration of high-tech firms since the middle of the twentieth century. While Silicon Valley had long been a center "of technical talent, business acumen, and openness to new ideas" (Walker 2006, p.122), the rise of the internet, coupled with the concentration of risk-taking venture capital in Silicon Valley in the mid-1990s, led to an economic boom of unprecedented size. The impact of the boom was not only felt in the Bay Area, Walker writes, but "was the Great White Hope for the restoration of American global primacy and for revival of the entrepreneurial myth in America" (p.124). The visibility and promise of the dot com boom contributed to the amount of speculative capital that poured into the Bay Area during this period.

During this era, the Bay Area rapidly became home to more young, extremely wealthy people than New York City and Los Angeles (Walker 2006, p.124). These tech workers became the most obvious symbol of the dot com boom in San Francisco. They were portrayed as "yuppies" "colonizing" the city (Solnit and Schwartzenberg 2000). Through the magnetic force of their capital and their consumer preferences, they shifted the market towards providing them with the high-level of retail and housing amenities that they could afford, and the government made limited attempts to intervene.

Rents climbed over 225 percent from 1996 to 2000 (Walker 2006, p.130), service and manufacturing working-class jobs were replaced with lucrative lofts and warehouses, long-time non-profits, arts and community centers made way for offices and high-end restaurants (Solnit and Schwartzenberg 2000). A combination of loss of jobs and rising cost of living contributed to gentrification in San Francisco, although

Walker and Solnit both acknowledge that the extent of displacement was not as catastrophic as some had anticipated during the peak of the boom.[1]

As a result of the fierce opposition to these "pro-growth" regimes, San Francisco currently has a very robust suite of tenants' rights protections. This includes "just cause evictions," which outline 15 specific reasons landlords can evict tenants and offers tenants legal recourse to eviction. San Francisco also has vacancy-decontrolled rent control on units built before 1979, meaning that within a tenant's tenure rent can only rise by a small specified amount annually. Though there are some restrictions as to which which units are rent controlled, the vast number of rental units in San Francisco qualify. San Francisco also has a very pro-tenant Rent Board, a government body designed to protect tenants' rights. The Rent Board also tracks data on evictions, rent increases, and other landlord-tenant issues, yet, as Chester Hartman (2002) laments, the Rent Board can do relatively little to stop illegal evictions.

The boundaries between pro-tenant and pro-landlord rights are hotly and frequently contested to this day, as landlords and real estate lobbyers seek to diminish the number of units that qualify for rent control, and tenants seek to criminalize abusive behavior. This contestation will be seen below, in the discussion of Ellis Act evictions.

The Dot Com Boom 2.0

Many have claimed that San Francisco is currently experiencing another dot com boom- 2.0. This time around, large tech companies are locating in San Francisco rather than in the more spacious, more business-friendly, but less urban and less exciting Silicon Valley. These companies include Twitter, valued $9 billion as of January 2013, Zynga valued at $2.68 billion[2] as of April 2013, and Yelp valued at $1.69 billion as of April 2013 (Google Finance). According to a report by SPUR (San Francisco Planning and Urban Research association), the number of tech jobs in San Francisco has grown by

[1] A warning against catastrophizing today, perhaps.
[2] Though in early 2012, Zynga was valued at $20 billion, which perhaps contributed to speculative investments (Streitfeld).

13,000 between 2010 and 2012, reaching a total of 41,000, a higher total than the previous dot com boom (Metcalf and Warburg 2012).

However, it is not just the success of tech companies located within San Francisco but also outside the city, in Silicon Valley, that creates an impact. According to an annual report, Silicon Valley is creating new jobs at a similar rate (3.6 percent) to the previous dot com boom (Silicon Valley Index 2013). The private shuttles provided by Google, as well as many other firms, have the capacity to transport 14,000 people per day to the Silicon Valley, which makes living in San Francisco easier than ever for many of these workers. Therefore, gentrification in San Francisco is intimately linked with production in the Silicon Valley, and an extremely regional economy is in full swing.

Many of the tech jobs being created and supported in this second dot com boom pay extremely well. The average salary for a tech worker in the Silicon Valley is $101,278, much higher than the national tech average of $85,619 (Netburn 2013). Additionally, many Bay Area workers have seen their salaries supplemented by stock options: companies in both San Francisco and the Silicon Valley have had their Initial Public Offering (IPO)[3] within the past year and a half, making workers extremely wealthy literally overnight. To put things in perspective, San Francisco's Area Median Income for one person is $70,850,[4] which, while still extremely high on a national scale, is still 30 percent lower than the average tech salary.

San Francisco's government has taken concrete steps to ensure that Tech will come and stay in the city, exemplified by the election and policies of current mayor Ed Lee. Former mayor Gavin Newsom appointed Ed Lee as interim mayor when Newsom left the post to become Lieutenant Governor of California in early 2011. Newsom appointed Ed Lee as a non-controversial placeholder: Lee promised not to run for re-election in November of the same year. However, in the ten interceding months, Lee changed his mind, ran for re-election and won.

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[3] An IPO is when a privately-owned company opens up their stock for sale to the public. Employees with stock options then can sell their stock, often for extremely high prices. IPOs are generally seen as a way of raising money, though they can be risky.

[4] Which is still much higher than the National median *household* income of $52,762 according to US Census data from 2007-2011.

Notably, during those intervening months, Ed Lee championed a tax break that was very beneficial to tech companies. Twitter, the extremely popular "microblogging" company, was threatening to leave San Francisco, citing the high cost of doing business in the city. In order to entice Twitter to stay, Ed Lee promised to rescind their payroll tax if they located in the Mid-Market area. The New York Times estimates this tax exemption to be approximately 22 million dollars (Story 2012). This tax break, extended to other companies that agreed to locate in the same area, sponsored a flurry of investment in the Mid-Market area by tech companies, adding legs to the already active dot com boom 2.0. It also conveyed to prominent people in the tech Industry that Ed Lee was interested in a partnership.

In particular, Ed Lee attracted the attention of Ron Conway, a high profile and influential "angel investor"[5] in the Silicon Valley who has invested extensively in Twitter. Conway saw "potential" in Ed Lee, and so used his substantial resources to form a committee to encourage Ed Lee to run for mayor of San Francisco. Conway explained, "We believe that Ed Lee is very tech friendly and that's why the tech community is embracing him; he kept Twitter in San Francisco and he abolished the tax on private company stock options" (Tsotsis 2013). Shortly after Lee's re-election, Conway decided to continue his role in San Francisco politics, and started sf.citi (the San Francisco Citizen's Initiative for Technology and Innovation): "leveraging the collective power of the tech sector as a force for civic action in San Francisco" (sf.citi 2013).

Sf.citi has already seen political success: running and winning a campaign to repeal San Francisco's payroll tax (the same tax involved in Twitter's exemption) and replacing it with a "gross receipts tax." This shift in the tax structure of San Francisco benefits tech companies while creating more of a tax burden on more traditional businesses such as real estate firms.

The relationship between mayor Ed Lee and the tech sector illustrates the blurring relationship between the state and the market. It exemplifies David Harvey's assessment of the "entrepreneurial city," portraying "the use of local government

[5] Angel Investors are wealthy people who manage and invest their own money in companies. Other kinds of investors often do not manage their own money.

powers to try and attract external sources of funding, new direct investments, or new employment sources" (Harvey 1989, p.7). As Harvey and others mentioned above have shown, these processes contribute directly to the gentrification of urban space.

Housing Market

Not surprisingly, then, the influx of tech jobs and tech money has led to increased housing prices in San Francisco (Metcalf and Warburg). Median rents rose 10.6 percent from February 2012 to February 2013, placing the median rent for the city at $3,200, the most expensive in the country (Zillow 0213). Other sources show that from 2011 to 2012, rents increased by as much as 135 percent in some neighborhoods like the Bayview, with increases of 53 percent in the Western Addition, 29 percent in the Mission and 61 percent in Noe Valley.

According to data from the American Community Survey, the vacancy rate for rental units in San Francisco was 3.7% in 2011 compared to 5.3% in 2010 (by comparison, nationwide the rental unit vacancy rates were 7.4% in 2011 and 8.1% 2010). Apartments are notoriously challenging to find, and reports, like the following from the Wall Street Journal in March 2012, abound:

> *Soaring rental prices—up more than 10% in the Mission and Noe Valley in the past six months alone—are also making buying more competitive, said Vanguard Properties broker Craig Waddle. He's seen bidding competitions for rentals and rental offers coming in higher than the asking prices. At an open house for a one-bedroom offered for $1,400 a month, 40 people were filling out applications on the spot. One person walked up to the owner, offered $1,700 and got the place.*
>
> (Keates and Fowler 2012)

The increased demand for housing can also be illustrated by a construction boom- San Francisco approved 4,220 housing starts in 2012, while approving only 269 the previous year (Metcalf and Warburg 2012). However, since new housing

construction is a time intensive process, San Francisco is still experiencing a current demand for housing which far outstrips its supply.

San Francisco policymakers, advocates, and citizens have responded to these market imbalances in a variety of ways. In November 2012, the San Francisco Board of Supervisors agreed to temporarily approve a suspension of the zoning code to allow "micro-apartments: "220 square foot residential units, which previously were considered too small to meet code requirements. These apartments are set to rent for $1,300- $1,500/month (compared to other studios which rent for about $2,075/month). Supervisor Scott Weiner, who sponsored the legislation explained, "To confront San Francisco's rising housing affordability crisis, we must be creative and flexible. Allowing the construction of these units is one tool to alleviate the pressure that is making vacancies scarce and driving rental prices out of the reach of many who wish to live here" (Riley 2012). The approval of micro-apartments is another sign of the significant housing crunch that San Francisco is currently experiencing.

Displacement and Ellis Act Evictions

Housing advocates, such as the San Francisco Tenants' Union and the Housing Rights Committee, have argued that this housing crunch is causing displacement. One local long-time advocate described it as an "epidemic of evictions" (Redmond 2012). As discussed above, displacement is notoriously difficult to quantify, but the qualitative evidence is present. Since San Francisco has reasonably strong tenants' rights protections, landlords seeking to evict tenants must use roundabout tactics. One such tactic involves taking advantage of and intimidating tenants who do not know their rights. If a tenant is intimidated or uninformed, they may leave their building when merely threatened with eviction. These "evictions" are almost impossible to track, as landlords are operating outside the legal system and do not need to file paperwork.

Additionally, since the first dot-com boom, landlords have been taking advantage of one kind of "just cause" eviction, the Ellis Act, to displace large numbers of tenants. As illustrated in Figure 1, Ellis Act Evictions have risen dramatically in the past year,

	Ellis Act Evictions	Annual increase	Total Evictions
2010	43		1269
2011	61	42%	1370
2012	64	5%	1395
2013	116	81%	1,757

Figure 1- Eviction Data from San Francisco Rent Board

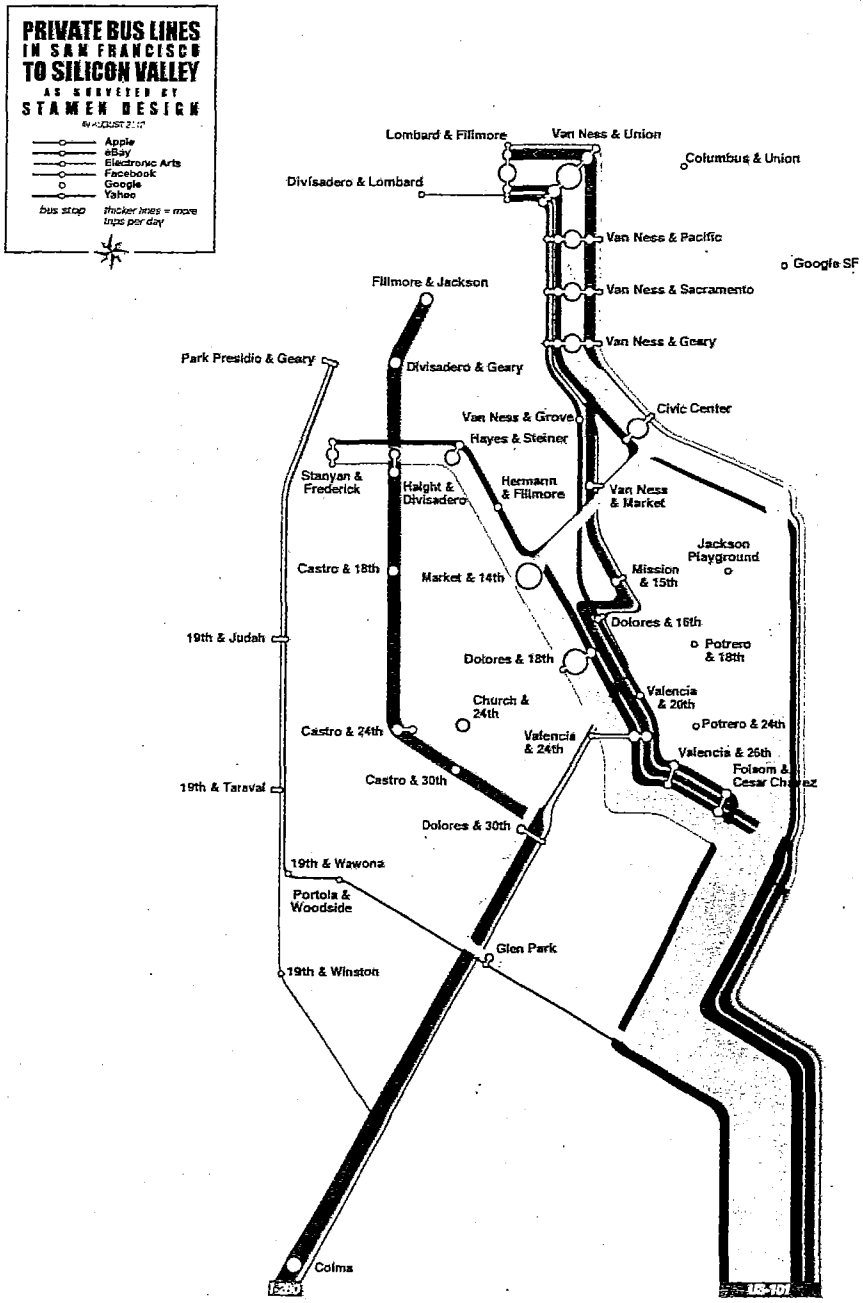

Figure 2- "The City from the Valley" (Stamen)

though the Rent Board does not record *all* Ellis Act-related evictions. In addition to the absolute increase in reported Ellis act evictions, these evictions as a portion of total evictions were 3.4 percent in 2010 and rose to 6.6 percent in 2013. The San Francisco Tenants' Union and the Housing Rights Committee both claim the number of their clients facing Ellis Act Evictions has tripled in the past year. The San Francisco Tenants' Union explains that often landlords need only threaten Ellis Act evictions, and couple the threat with a buy-out offer, to induce a tenant to "voluntarily" leave a property (Gullicksen 2013). While buy-outs may be as high as thousands of dollars (and legally higher if the Tenant is elderly or disabled), tenant advocates insist that a buy-out is almost never enough to compensate for the difficulties or financial cost of finding a new apartment, especially in the current market.

Ellis Act evictions are enabled on a state level. They allow landlords to "go out of business" by removing all tenants from their property. Although the intention of the Ellis Act is reasonable, in practice Ellis Act evictions manifest Smith's Rent Gap gentrification theory: as the value of land goes up, more landlords reap the benefits of selling to developers, and developers use buy-outs to remove tenants and convert buildings to condos or market-rate units (Bowe and Tokar 2013). Recent attempts to reform the Ellis Act and discourage this kind of "flipping" have included provisions requiring that a landlord own a building for over six months before invoking the Ellis Act. This reform did not pass.

In conclusion, an influx of tech businesses and highly paid tech workers is shaping San Francisco's housing market. The city government is encouraging tech companies to locate in the city. As a result, rental prices are rising, and landlords, seeking to capitalize on the boom, are evicting larger numbers of their lower-income tenants.

The focus of the remainder of this paper is on another factor influencing housing prices: the increasing ability of tech workers employed in Silicon Valley to live in San Francisco and commute, for free, to work.

The Google Buses

Corporate Shuttles in San Francisco

The Google buses are private shuttles that transport 4,500 Google workers daily from San Francisco to Mountain View, 35 miles away. Google is only one of many companies offering this service; other large companies such as Apple, EA, and Genentech also provide buses. In this section I will first broadly discuss the shuttles, and then I will provide some additional information on Google's shuttles in particular.

Stamen, a design firm in San Francisco, researched and mapped the private shuttle routes as a way of exploring the "fundamental shifts... underway in the relationship between San Francisco and Silicon Valley" (see Figure 2). They write, "Historically, workers have lived in residential suburbs while commuting to work in the city. For Silicon Valley, however, the situation is reversed: many of the largest technology companies are based in suburbs, but look to recruit younger knowledge workers who are more likely to dwell in the city." Stamen's methodology deserves note: Stamen dispatched researchers to various intersections to sit and manually count the shuttles that passed as the shuttles do not and will not provide public maps of their stops. This lack of collaboration between the private shuttles and the public is paradigmatic, though the Muni Partners Program is seeking to close this gap.

In many ways, the existence of the shuttles is indicative of a land use problem in Silicon Valley. According to a report on private shuttles: "Conventional fixed route transit service is unable to meet all the transportation needs of a modern urban area where decentralized residential and employment patterns lead to indirect, dispersed and long-distance travel patterns" (Margulici and Singa 2013, p.5). In other words, corporate campuses such as Google are located in areas of low-density that cannot support traditional public transportation systems. Instead, the location of these corporate campuses encourages automobile use.

The shuttles contribute to the laudable goal of decreasing green house gas emissions through decreasing single-occupancy car trips. According to a Strategic

Analysis Report (SAR) by the San Francisco County Transportation Authority (2011), the private shuttles reduce vehicle-miles traveled by 20 million, and reduce CO_2 emissions by at least 8,000 tons.

While providing significant positive environmental effects, the shuttles also create some negative externalities. The proceeding section will discuss the possible impacts of the Google shuttles on rental prices in San Francisco, however a few other negative impacts warrant attention. The buses can be extremely loud and travel on roads not serviced by San Francisco's Muni buses. The noise and inconvenience of these buses on narrow residential streets have caused citizens to appeal to the city government for regulation.

Additionally, according to the SAR (2011), 90 percent of the private shuttles load in Muni bus stops; that is, the private shuttles do not have their own curb space but instead monopolize curb space set aside for public transportation. According to research by the San Francisco Metropolitan Transit Authority (SFMTA), conflicts between Muni buses and private shuttles occur relative to the size of the curb space and the frequency of service (Paine 2013). It is illegal for vehicles other than Muni vehicles to stop in Muni bus stops; however, this policy is not enforced enough to disincentivize the private buses.

To better manage and understand the benefits and drawbacks of the private shuttles, the SFMTA has created a "Muni Partners Programs" with grant money from the regional Metropolitan Transit Commission. The goal of this program is to facilitate collaboration between the existing systems of transportation in San Francisco, and the rapidly growing private shuttle sector (Paine 2013). While the program has yet to produce its comprehensive policy framework, thus far it has collaborated with the private shuttles to create designated private-shuttle curb space in two of the highest traffic areas.

Google Shuttles

As Figure 2 illustrates, Google has the largest private shuttle fleet, with

approximately 30 stops throughout San Francisco. Google estimates that one-third of its employees ride the shuttle, or about 4,500/day (Google Green 2013). While "Google Buses" has become shorthand for the entire system of private regional shuttles discussed above, I am making a conscious decision to focus only on Google in this report, as it is the largest fleet and therefore a trendsetter in the industry.

The Google shuttles began in 2004 as a project of Google Employee, Cari Spivak, and initially had 155 riders/day (O. Thomas 2012). Spivak recently said, "I'm proud of the industry for seeing the potential for improving their employees' quality of life and for recognizing their responsibility in minimizing their environmental footprint. It's amazing to know that one person's small initiative at a single company can have such a ripple effect on so many people, the environment and an entire industry" (O. Thomas 2012). Google does not provide data publically on the shuttle routes, but many of the current stops have been in place since 2007 (Helft 2007), though ridership has more than tripled since that time (N. Thomas 2012).

The shuttles are part of a larger effort by Google to encourage their employees to commute more sustainably, which includes philanthropic incentives for employees who choose "self-powered commuting." The buses use five percent biodiesel, and also "exceed the EPA's 2010 bus emission standards," according to Google's website (Google Green 2013).

The shuttles are also part of the impressive amenity package that Google gives its employees, which includes gourmet meals, gym-access, and a variety of health care services. The shuttles themselves are also very amenity-focused: they are large (double-decker), spacious, comfortable, and equipped with Wi-Fi. Like the in-house amenities Google provides at its campus, the buses serve the dual function of increasing worker satisfaction *as well as* worker productivity: Google employees can begin billing for hours as soon as they get on the bus: "even highly-paid professionals who are otherwise able to drive alone to work and afford rising gas prices are choosing the bus for more productive use of their commute" (Margulici and Singa 2010, p.6).

Do Google shuttles have an impact on housing prices in San Francisco?

The narrative in the preceding sections sets the stage for my research question: are the Google shuttles contributing to gentrification in San Francisco? San Francisco is in the middle of a second dot com boom which is manifested in very high rents and rising rates of eviction. Additionally, I have shown that tech companies relocating to San Francisco, as well as Silicon Valley tech companies offering free transportation can be linked to this boom. The free transportation has enabled thousands of workers to live in San Francisco and commute, without accompanying costs, to their jobs in Silicon Valley. Furthermore, the gentrification literature reveals that both wealthy people, like tech workers with median salaries above $100,000, and transit-related investments can also contribute to gentrification. My hypothesis is that the Google shuttles – as a transportation investment that allows wealthier tech workers to live in San Francisco-is contributing to the phenomenon of rising rents in the city, particularly around the bus stops.

Data

For this study, I looked at rental price data from 2010-2012 near five Google shuttle stops, selected by the San Francisco Tenants' Union, with whom I partially collaborated on this project, as areas specific to concerns with their work.

The selected shuttle stops, illustrated in figure 3 are:

- **Lombard:** Fillmore Street and Lombard Street
- **Geary:** Geary Boulevard and Presidio Avenue
- **Haight:** Divisadero Street and Haight Street
- **Valencia:** 24th Street and Valencia Street
- **Dolores:** 30th Street and Dolores Street

The data represents the rental market (instead of the market for home sales). I am looking at rental data primarily because lower-income people often rent, instead of own, and thus this is the market segment where concerns of displacement are most salient.

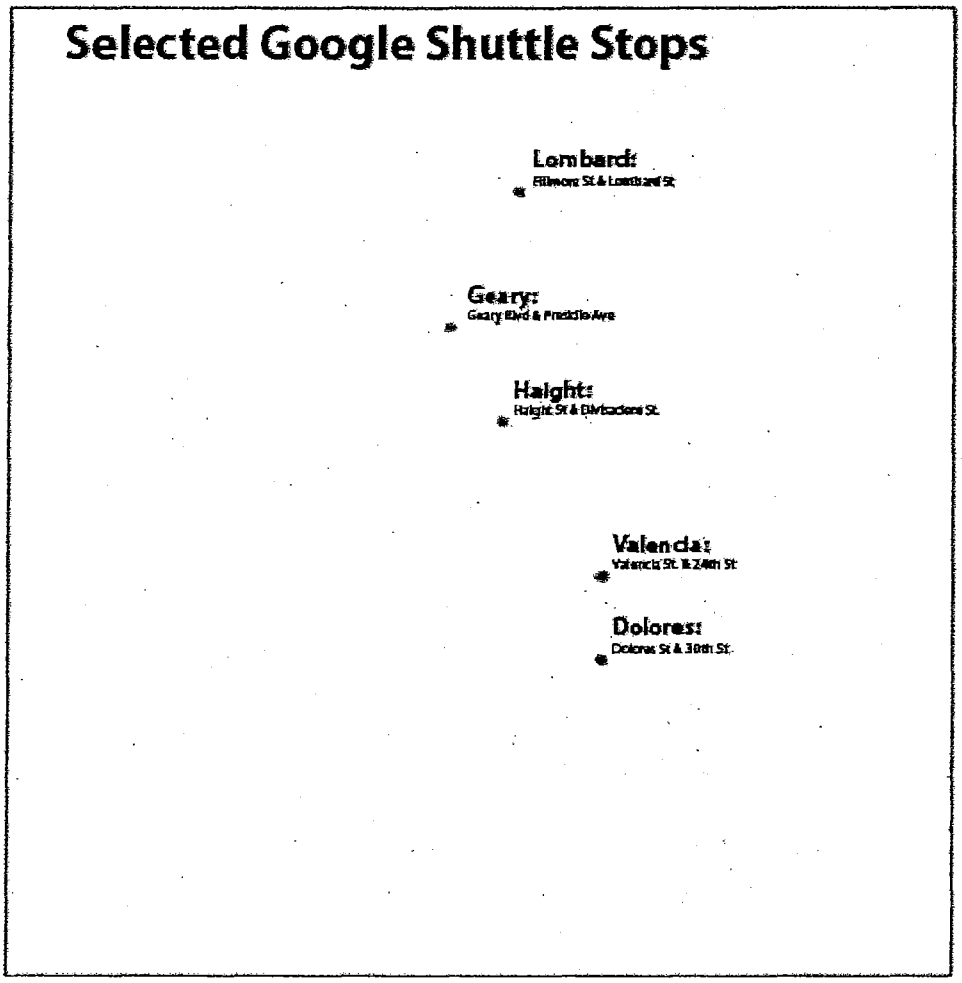

Figure 3- Selected Google Shuttle Stops

Looking at rental prices is also relevant for the gentrifying, and not just the gentrified, population. Tech workers moving to San Francisco are largely considered to be "millennials," a generation whose homeownership rates have been steadily declining according to census data. A tight credit market caused by the housing crisis of 2008 has reduced homeownership levels nationwide, so young millennials have come of age in an era with low rates of first-time homeownership. Additionally, demographers explain that millennials' values have shifted away from conspicuous consumption and away from the immobility of homeownership (Thompson and Weissman 2012). This indicates that while the dot com boom is impacting San Francisco's housing prices, it is also significantly impacting the rental market.

The website Padmapper is my primary source of data on rental prices. Padmapper collects rental listings from Craigslist, Apartments.com and Rents.com, among other websites, and maps this data using the Google Maps platform as a tool for those searching for rental housing. While Padmapper does not have all their cached rental data publically available, I was able to access the data through a contact at Padmapper. The dataset consists of just fewer than 63,900 rental listings including price, number of bedrooms, number of bathrooms, geographic coordinates, date and time for each listing.

While many studies rely on Census data or data from the American Community Survey (ACS) to measure rises in housing/rental prices over time, neither of these data sources is sufficiently granular for this project. Census data is collected once every decade, while the Google bus stops have only been implemented over the past five years. ACS data, while collected more frequently, is not more granular than census tracts, which is a geography too large to accurately measure the impact of the stops on surrounding areas.

Assumptions

The stops selected were chosen both because they are areas of concern to the San Francisco Tenants' Union and their work around renter's rights, and also because

most are in census tracts with a high percentage of renters (as shown below). Neighborhoods with high percentages of renter-occupied units are good places to get a large sample size of rental listings.

- **Lombard:** 70% renter-occupied
- **Geary:** 67% renter-occupied
- **Haight:** 71% renter-occupied
- **Valencia:** 87% renter-occupied
- **Dolores:** 40% renter-occupied
  (Census 2010)

Given that my concern is equity for lower-income people, I looked at one- and two-bedroom listings, which are likely to be units appealing to lower-income individuals and families. Additionally, one and two-bedroom units are prevalent in San Francisco's housing stock, so there was a sufficiently large sample size.

In order to arrive a dataset that best represents market-rate rental listings, and not sublets, I had to take measures to remove false sublet postings that were grouped into the one- and two-bedroom data sets. According to common sense, I knew that there were no two-bedroom apartments for rent at $500 in San Francisco in 2010, although according to the initial dataset there were several hundred. I was able to bring more rigor to my assumption by manually examining a histogram distribution of the rental prices. Upon examination, I found that the distribution was bi-modal with one center on the true rental prices, and the other, far below reasonable market-rate and most likely sublets, falsely grouped into the one- and two-bedroom category. I eliminated the specious data around the low mode, solely on a per unit size basis. There were also a few outliers on the high rent end (above $20,000/month) that I eliminated.

I looked at data within two specific geographies: the first consists of rents within a "walkable" radius of half a mile from the selected shuttle stops. A half-mile distance is often considered "walkable" in transit-oriented development, and so I used this standard here. The second geography consists of rents "outside" the walkable radius: from an area between half a mile and a full mile from the shuttle stops.

Methodology

I used ArcGIS to associate each rental listing with a Google shuttle stop, and to classify each as inside or outside a walkable radius. I found the average rent for the area around each bus stop, by geography (walkable/outside) and by unit-size (one-bedroom and two-bedroom). I then computed the percentage change in average rental prices around each bus stop, both inside and outside the walkable radius, from 2010 to 2012. I used percent changes, rather than raw changes, to have a normalized measure across different areas that may represent different points across the range of rents. See Figure X for the percentages.

In order to display the data for ease of discussion, I compared the percent change within each shuttle stop and unit-size across the walkable/outside geographies and noted differences of five raw percentage points or greater. Given that the very large sample size, five percent is a conservative cut-off. See figure X for these comparisons.

Discussion

As you can see from Figures 4 and 5, in many cases rental prices within a walkable distance of the shuttle stops appear to be increasing at a faster rate than rental prices outside the walkable distance. There are seven instances of rents increasing faster within the walkable radius, one that I have considered neutral (as the difference between the two rates is less than five percent) and two where rents outside the walkable radius are actually increasing faster. Figures 6 and 7 show the rates changes mapped to the shuttle stops.

Rate of Rental Price Change 2010-2012

		walkable	outside
Lombard	1br	30%	17%
	2br	11%	25%
Geary	1br	10%	22%
	2br	23%	12%
Haight	1br	28%	23%
	2br	37%	27%
Valencia	1br	23%	23%
	2br	27%	20%
Dolores	1br	43%	23%
	2br	28%	23%

Figure 4- source: Padmapper

Geography with larger change (≥5%)

Lombard	1br	walkable
	2br	outside
Geary	1br	outside
	2br	walkable
Haight	1br	walkable
	2br	walkable
Valencia	1br	neutral
	2br	walkable
Dolores	1br	walkable
	2br	walkable

Figure 5- source: Padmapper

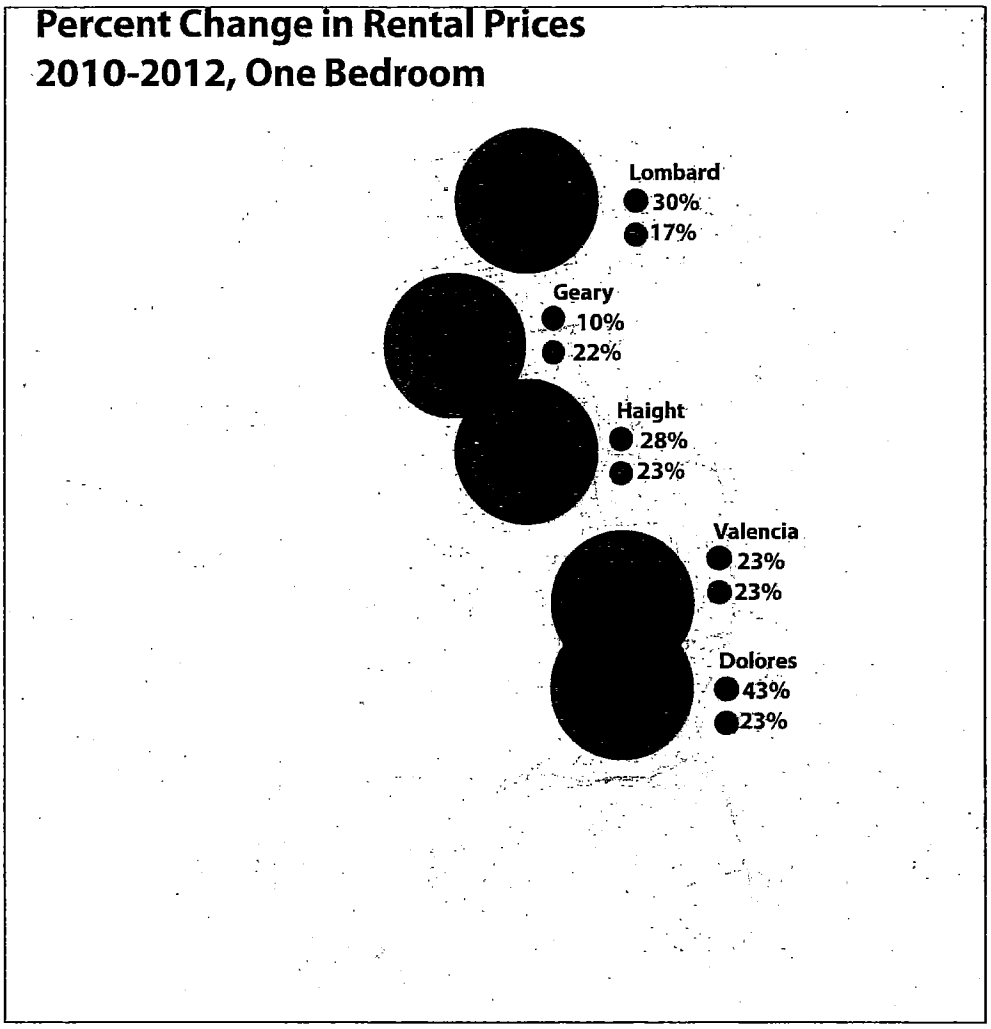

Figure 6- source: Padmapper

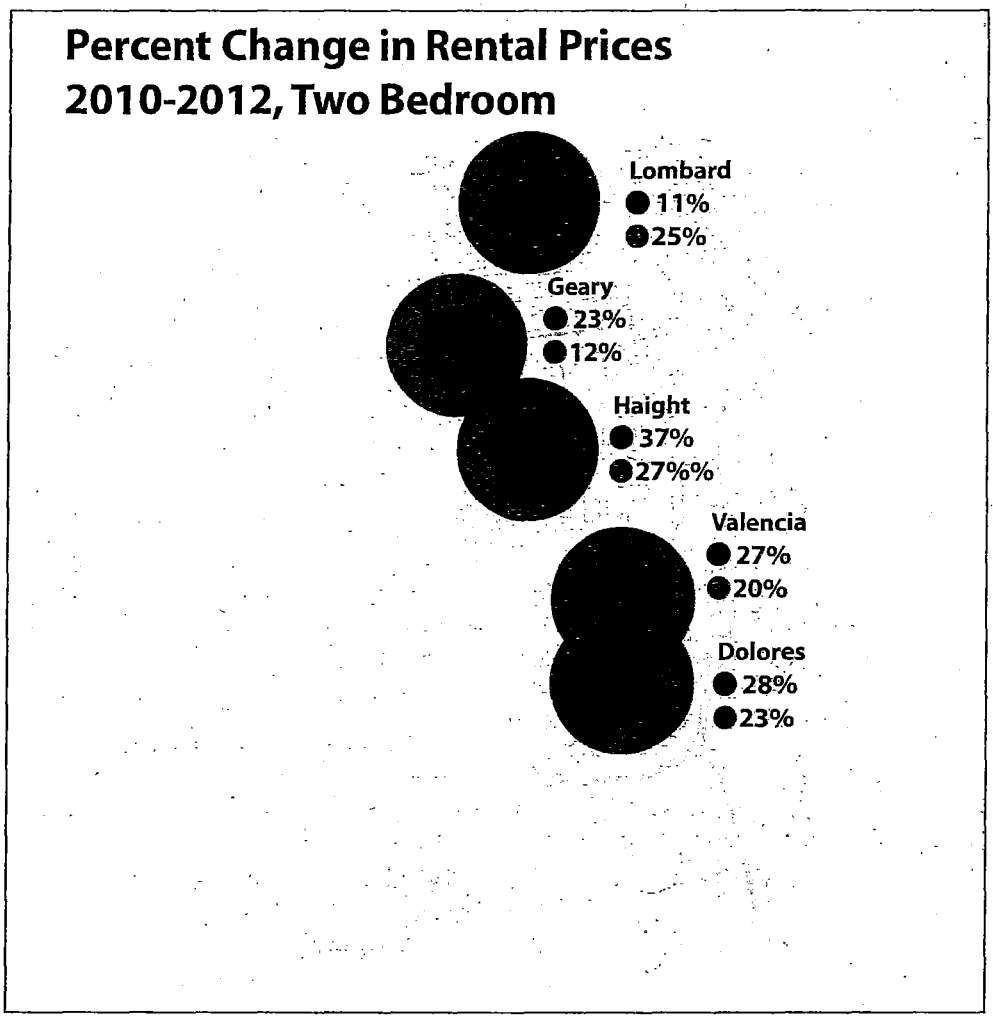

Figure 7- source: Padmapper

Limitations

In this study, I use rental prices as my only statistical indication that gentrification is occurring near the bus stops. This is clearly a limitation of the data, however, it is a necessary one, as other indicators of gentrification, such as educational status or racial make-up, are not available for the necessary geography and timeframe of the study.

Additionally, though I have provided some context for displacement in San Francisco as a whole, it is not possible to measure displacement in these specific areas without a more thorough qualitative or survey-based study, which is beyond the scope of my research here.

This dataset was a selection of rental listings across certain time periods. We were unable to compare the same property across time periods. This prevented the application of significance testing without more advanced models which were outside the scope of this work.

Future research should attempt to control for confounding variables, such as negative externalities caused by bus noise, and variations in neighborhoods and units (perhaps controlling for number of bathrooms or other amenities if possible). In addition, a study that tracks rental prices for the same unit around a new shuttle stop from a year or two prior, to several years after the implementation of the stop might be better able to deduce causation. However, while this study does not prove that the shuttle stops are having an impact, it does provide compelling descriptive evidence that the San Francisco Tenants Union, and other anti-gentrification activists, can use to help draw political attention to the problem.

Craigslist Ads and Real Estate Agents

In addition to the data analysis, my project entailed looking at qualitative measures to understand the potential impact of the shuttle stops. One indicator that

the Google shuttles may be impacting the rental market comes from Craigslist. Craigslist is a very popular website for listing apartment rentals, and provides a snapshot of what amenities sellers think would 'draw' potential tenants to their units, and/or allow them to charge higher rents. Between November 2012 and April 2013, I picked three random, separate days to review the Craigslist ads for apartments in San Francisco. On each of these days, I found several listings that advertised proximity to the Google Bus stops as a perk. Figure 8 provides a sampling of those listings.

Additionally, many real estate agents claim that proximity to the shuttle stops commands a rent premium. A San Francisco real estate agent quoted in the Wall Street Journal explains, "When a listing gets deluged with people- that tells me it's close to a stop" and calls the phenomenon the "shuttle effect." According to this agent, homes near the shuttle stops can command up to a 20 percent premium (Keates and Fowler 2012). The website of McGuire Real Estate company similarly explains,

> *Relocation agents have told me that new Google employees overwhelmingly state that being within a 10 minute walk to a shuttle is their primary housing objective....Each time a new shuttle stop is established, it has a positive impact on income property revenue within a 4-6 block walking radius.*
> (Blakely 2010).

Finally, another real estate blog humorously wrote,

> *Dear Googlers,*
> *Please buy real estate. ASAP. The fact that you are renting is evil. What happened to do no evil? Why don't you want to support the rest of the state? Please be less selfish – you're hurting everyone. Please buy a house. Or two. Or three. Thank you.*
> (burbed 2008)

The descriptive analysis presented here suggests that the Google shuttles are having an impact on rental prices in San Francisco. Rents appear to be rising more rapidly within a walkable distance of the shuttle stops, and proximity to the shuttle stops is touted widely as a desirable amenity. As the city continues to negotiate efficiency and equity tradeoffs in this housing market, special attention should be paid to the housing conditions around the shuttle stops.

$4000 / 2br - Hayes Valley Furnished Rental: April 1 (hayes valley)

Updated Kitchen & Bath, Refinished Hardwood Wood Floors, Cable and WiFi, inc. Two Bedroom w/ Queen Beds.
Parking available for $300/mth extra. Month to month - OK. .(Small-med sized car only).
Strictly No Pets and No Smoking!

Excellent restaurants, cafes and shopping close by.
#21 Bus; 10 mins walk to BART (Civic Center). Google bus stop 1 block away.

$3000 / 2br - Best Noe Location, Very Sunny, grg parkg incl., Open Sat 2/23 10:30-2 (noe valley)

Easy walk down 24th street to all of the shops and great restaurants. 1 1/2 blocks from the Whole Foods, 1-4 blocks to numerous bus stops and Church street Muni and Google bus stops around the corner. Great little park 1 1/2 blocks up the street.

$2850 / 1br - Charming 1 Br/1Bath Unit w/ Walk-in Closets & Parking! (marina / cow hollow)

Charming one bedroom, one bathroom unit located in a great neighborhood just blocks from Union, Chestnut and Polk Streets and near plenty of transportation options on VanNess Avenue. NEAR GOOGLE BUS STOP!

$3500 / 2br - 1400ft² - 2 bdrm, 2 bath + office + great location (noe valley)

1.5 blocks from google bus, 1 block from J car, 2.5 blocks from bart
conveniently located near restraunts, bar, and shopping
owner pays garbage, water and gardener

$3500 / 2br - 800ft² - 2BR/2BA Pet Friendly Building (alamo square / nopa)

coming soon). small shops, dry cleaners, banks, cool club scene. Great area for Foodies. Near Alamo Square, GGP Panhandle. Short walk to lower/upper Haight. Great public transportation. 2 blocks to Google Shuttle. Bike lanes (new bike corridor coming soon). Weekly farmers market. $3500.00 mo rent. One year lease. $7000.00

- $4100 / 2br - 2bd/2ba with parking Pacific Heights (pacific heights)

Email with your phone number to set up viewing appointment.
Close to Union Street shops and Google bus stops...

- $1800 Top Floor Studio with Hardwood Floor (lower nob hill)

- close to Trader Joe's, coffee houses and restaurants
- near Google bus stop
- close to bus lines 2, 3, 27 and Cable Car lines

Figure 8- Craigslist Ads from November 2012, February 2013, and April 2013

Next Steps

While San Francisco welcomes tech workers to the city, housing prices continue to balloon. The Google shuttles are one of many factors contributing to rising housing prices, but they provide an opportunity to consider anti-gentrification interventions. I propose two possible interventions: a Community Benefits Agreement and a "Displacement Impact Review." Both interventions provide an opportunity to challenge the unchecked logic of the "entrepreneurial city" by interjecting concerns about equity into conversations around development.

Both of these interventions would be strengthened by San Francisco enforcing the laws that make it illegal for private shuttles to stop in the designated Muni curb zones. As the Strategic Analysis Report (2011) explains, the "best opportunity to manage shuttle operations lies with the SFMTA's jurisdiction over curb zones" (p. 10). There are several options for designated curb zones, and the Muni Partners Program appears to be moving towards a solution of collaboration between public and private buses. However, I wish to underline the importance of moving forward with this particular component.

The process of designating and permitting these curb zones is crucial for introducing equity issues into the conversation on the private shuttles. This process provides both leverage, the SFMTA can withhold permits for the curb zones contingent on certain mitigations, and public scrutiny, by allowing the public to weigh in on concerns around gentrification. In order to successfully address gentrification concerns, San Francisco must continue to make progress in collaborating with the buses on designated curb space.

Community Benefits Agreements

One potential model for mitigating gentrification is a Community Benefits Agreement. Community Benefits Agreements (CBAs) are a "private agreement between a community coalition and the developer on multiple issues that may or may not be included in the regular planning process" (Baxamusa 2008, p.263). These agreements

are legally enforceable contracts negotiated between self-appointed, self-circumscribed, self-maintained community coalitions and a developer, or other entity. The goals of the CBA are to foster changes to the urban landscape that allow the "community" to gain a share of the benefits coming into the area, and to mitigate the potential negative impacts of development.

CBA advocates argue that if a development project is going to receive public subsidies and use public infrastructure, the project needs to benefit taxpayers and not just a narrow spectrum of moneyed interests (The Public Law Center 2011, p.2). As Harvey (1989), Molotch (1976), Hartman (2002) and others have discussed, too often private developments do not benefit, and often may hurt, lower-income segments of cities.

CBAs can include benefits such as local-hire policies, affordable housing set-asides, funding for parks, and job training programs. Governments can facilitate the process of negotiating a CBA, and even mandate a CBA through a Development Agreement or permitting process.

In many ways, Community Benefits Agreements are a direct response to the processes that have sparked gentrification over the past several decades. As advocates of CBAs have explained, they "are critical because of the current 'back to the city' movement," where capital is flowing into previously underinvested areas causing displacement and disjuncture (Gross 2002, p.i). CBAs counter the city-as-entrepreneur model, which attempts to attract capital often at the expense of equity (Harvey xxxx). As Navid Sheikh (2009) explains, "CBAs are the latest reaction to the decades long marriage between urban America and the private sector" (p. 227). CBAs seek to distribute the benefits of economic development more equally when conventional and governmental processes are not sufficient.

Community groups have an obvious incentive to engage in CBAs, but the developer's motives may be less clear. Why would a developer agree to give concessions to a community group? Often the only reason is to expedite a permitting process by avoiding community resistance. Herein lies one of the limitations of CBAs:

the developer in question must have sufficient incentive to negotiate with the community coalition.

Other concerns with CBAs are related to the extra-governmental process of the negotiations. For some, like Sheikh, the question of who speaks for the "community" in these negotiations is troubling. While the community coalition might be a representative group, there is no oversight to guarantee appropriate representation. Sheikh contrasts the process of choosing a community coalition to negotiate a CBA with the process of electing local officials-- the former has no formal accountability mechanism, while the latter is predictably organized around elections.

II believe that despite the fact that Google not a real estate developer, CBAs are still a valuable model for mitigating the negative impacts of the shuttles on housing prices. As discussed above, CBAs seek to add a community voice to the development process in order to distribute the benefits more equitably. In the context of urban "growth machines" and neoliberal governments, this non-governmental "community" voice can often be the only one calling for greater equity. City government appears to be more committed to enticing tech profits to San Francisco than worrying about gentrification, as demonstrated through its emphasis on tax breaks and sf.citi. Therefore, the insertion of a community voice is necessary to assert the need for more equitable development processes.

However, in proposing a CBA with Google, advocates will have to re-think the typical formulation of "developer" and "development" since Google is not building in San Francisco. The shuttles are, however, in the process of applying for their own curb space, as discussed above. Legislative action and a public hearing are necessary to designate curb space, and thus there is a point of leverage for community groups and the government to intervene and insert questions of equity into the process. I would strongly suggest that as these terms are being negotiated, the government should seek to engage tenant advocacy groups on the issue of housing equity. If the government will not lead the way, then community groups should make themselves aware of the permitting process, and attend at the hearings to provide pressure.

Effectively negotiating the terms of the CBA could result in significant benefits for the community including: increased funding for tenant education to avoid displacement by illegal intimidation; donations to the city's new Affordable Housing Trust Fund, to ensure funding for affordable housing into the future; and support for tenants rights organizing.

Displacement Impact Report

A second idea, which has less precedence in planning, is establishing a Displacement Impact Review process. I am borrowing the concept of a "Displacement Impact Report" (DIR) from an editorial in the San Francisco Bay Guardian (SFBG) from December 2012. A DIR would be a publically available report on the projected impacts of a development on the displacement of "existing San Francisco residents." The execution of this report would be an integral part of receiving the permitting approval to move forward with a planned development.

A Displacement Impact Review would be organized very similarly to a familiar Californian city planning tool- the Environmental Impact Report (EIR). EIRs are reports prepared in advance of approval for a development project in the state of California, if that project might have a significant environmental impact. The developer shoulders the cost of preparing an EIR, but a team of experts organized through the local government prepares the report. EIRs do not have legislative power, however they generate information about the impacts of a project that can be used by various interest groups to oppose or support a project. While there are significant concerns, particularly on the part of developers, about the cost of preparing an EIR, Californians have continued to support EIRs as they provide an important point of leverage in protecting a valuable resource- the environment- against undue incursions by developers.

I feel that diverse and equitable cities are a similarly valuable resource that should be protected and maintained. As outlined in the SFBG editorial, the DIR would use economic modeling to predict possible displacement. For example, in the case of the Twitter tax break,

> *You look at how many jobs the tax break will create, how many of those jobs will go to people who are not current SF residents, how much they'll be paid — and what the residential vacancy rate is for apartments and houses in the range they can afford. Add into the mix current plans for housing construction in that range, and plans for low-income housing for people who might be displaced. Historical data could easily create models for how many new highly paid employees it takes to create one individual or family displacement.*
> (San Francisco Bay Guardian 2012)

A Development Impact Review could be helpful during the permitting process for curb space, and also more generally useful tool for mitigating displacement in San Francisco moving forward. San Francisco has long struggled with high housing demand and displacement of poor people, if the city were to integrate a review process around gentrification into its standard development procedures, future concerns around equity could be mitigated.

Conclusion

This report has suggested that the Google Shuttles are contributing to gentrification by making it easier for well-paid Google employees to live in San Francisco and by reducing these employees' commute transportation costs, allowing them to afford more expensive rental units. My data suggests that one- and two-bedroom apartments within a walkable distance of five of the Google Shuttle stops are becoming more expensive at a faster rate than similar units in the same neighborhood. This data is corroborated by real estate agents, who claim that proximity to the shuttle stops commands a premium, and by real estate listings that highlight the bus stops as an important amenity.

In this paper I have also briefly illustrated the (in)actions of government and private companies which have lead to gentrification in San Francisco. San Francisco has come to embody the "entrepreneurial city," a city striving to attract more capital at the great cost of equity. In order to fight for a city where low- and moderate-income

people can live alongside six-figure salaried tech workers, we need to think creatively about combatting displacement. It is my hope that through illuminating some of the processes of gentrification, I can contribute to the struggle for greater equity in San Francisco.

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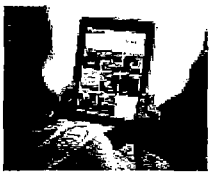
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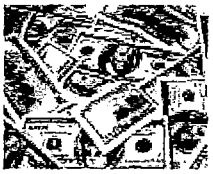
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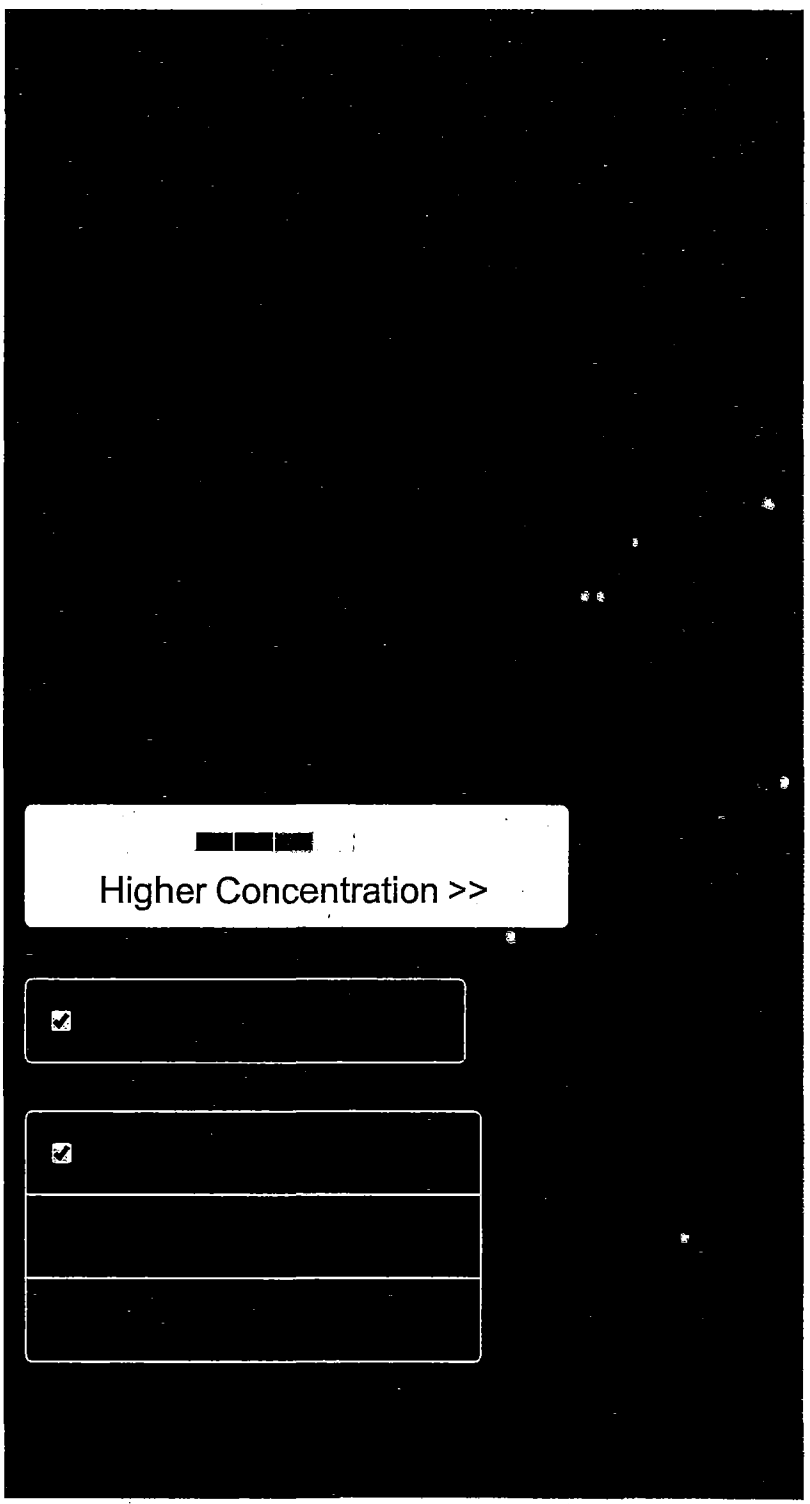
Clusters of Affluence in San Francisco

Clusters of Affluence in San Francisco

Chris Walker * January 27, 2014

The map below explores the relationship between private shuttle stop locations and indicators of neighborhood affluence. Private commuter shuttle are used by many large tech companies based in the South Bay. To explore the map:

- **Click** or **tap** a grey marker to show shuttle details.
- **Click** or **tap** the checkboxes to toggle map layers.
- **Select** from the dropdown menus to change the heatmap.


Higher Concentration >>

I'm a Bay Area native and called San Francisco home between 2007 and 2011. Even in those years of financial crisis and recession, before the tech sector got its current image (http://www.theguardian.com/technology/2013/ma valley-elite-san-francisco) of young one-percenters living in pampered bubbles, the city was changing. Gentrification was already happening in neighborhoods like SoMa, the Mission, the Castro, and even parts of the Tenderloin. And neighborhoods like Pacific Heights, Nob Hill, and the Marina were affluent long before the internet era. Therefore it might seem difficult to argue that the tech sector is responsible for the poor affordability and inequality in the city.

On the other hand, the arrival of fleets of private commuter shuttles used by large tech companies like Google, Apple, and Yahoo enable thousands of well-compensated tech sector workers to live in San Francisco and commute to their jobs in the South Bay. It would be disingenuous to argue that those workers have no effect on local rents or the character of the neighborhoods in which they live.

Urban neighborhoods are complex systems, and it's often impossible to say what is cause and what is effect. In San Francisco, young well-paid tech workers will tend to move to neighborhoods

that already have good housing, nice parks, and plenty of restaurants, cafes, bars, and other amenities. But there's a feedback loop, of course, in which the neighborhoods themselves change as a result of the influx of all those affluent residents.

The tech sector did not create the problem of inequality in San Francisco. The city has long been among the most expensive to live in America. But by gravitating towards certain neighborhoods, tech sector workers amplify and accelerate the gentrification process that was already happening there. They feed into the clusters of affluence in much of the northeast corner of the city, which has led to a recent uptick (http://antievictionmappingproject.wordpress.com/e timelines-cronologia-de-desalojos/timeline-of-displacement/) in evictions and several protests (http://blogs.kqed.org/newsfix/2014/01/21/yet-another-protest-against-tech-buses/) over affordability.

The map above visualizes these clusters of affluence in San Francisco, showing their geographical boundaries and concentration. Importantly the map also illustrates the feedback loops between tech shuttles and neighborhood gentrification. They tend to reinforce one-another. Tech shuttles concentrate where tech workers want to live, while indicators of affluence like

property value appreciation and the distribution of new restaurants concentrate around the tech shuttles.

Some related observations on the heatmaps above:

- Restaurants & Cafes: Food establishments that registered with San Francisco between 2011 and 2013 tend to cluster around shuttle stop locations, with the most prominent clusters in the Mission, Richmond, Castro, Lower Nob Hill, Marina, SoMa, and North Beach neighborhoods.
- Beauty Salons: Largely concentrated in the northeast corner of the city, with the largest clusters in the Marina/Cow Hollow neighborhood and around Union Square.
- Bars & Liquor Stores: Also concentrated in the northeast corner of the city close to shuttle stops.
- Jewelry Stores: These do not cluster as much around shuttle stops, with the largest concentration in Union Square. I was surprised by the grouping in the area around 24th Street and Mission.
- Childcare Services: Interestingly these businesses do not cluster around shuttle

stops, reinforcing the impression of tech workers as young and single.

- Property Appreciation: This heatmap shows every property in San Francisco that appreciated at least 70% from 2011 – 2013. Brighter regions indicate higher concentrations of these properties. The brightest regions—i.e., those with the most properties that appreciated at least 70%--occur in neighborhoods with multiple shuttle stops. Bright neighborhoods on average have faster-rising property values than darker neighborhoods. In order to justify higher property values, rents must subsequently increase.

Data Sources

Private shuttle stop locations were mapped by the Stamen design firm in mid-2012, and their data is available here (http://dotspotting.org/u/939/sheets/2227/#c=12.0(Stamen recruited several people to stand at street corners all over San Francisco and record private shuttle stop locations using their mobile phones and the Foursquare app. Here is how Stamen describes their methodology (http://stamen.com/zero1/):

> We enlisted people to go to stops, measure traffic and count people getting off and on and we hired bike messengers to see where the buses went. The cyclists used Field Papers to transcribe the various routes and what they found out, which we recompiled back into a database of trips, stops, companies and frequency. At a rough estimate, these shuttles transport about 35% of the amount of passengers Caltrain moves each day. Google alone runs about 150 trips daily, all over the city.

My goal was to compare the locations of these shuttle stops to data that can speak to the relativ affluence of neighborhoods and answer questions like: how do the neighborhoods with many shuttle stops compare to neighborhoods where shuttles don't stop? And how quickly are neighborhoods with shuttle stops changing? The city of San Francisco maintains an online portal at data.sfgov.org (https://data.sfgov.org/) that provides access to several interesting datasets. To address my questions about neighborhood changes I chose three datasets available at San Francisco's open data portal:

1. Active Businesses Registered in San Francisco (https://data.sfgov.org/Business-

and-Economic-Development/Businesses-Registered-in-San-Francisco-Active/funx-qxxn)

2. Property Assessment Roll 2011 (https://data.sfgov.org/Property/San-Francisco-Property-Assessment-Roll-2011/vzze-vx7k)
3. Property Assessment Roll 2013 (https://data.sfgov.org/Property/San-Francisco-Property-Assessment-Roll-2013/4sgn-36v2)

The first dataset is a list of all 143,967 businesses registered to operate in San Francisco. This dataset includes information on business category, exact location, and the date of registration, so you could for instance figure out when a specific restaurant in the Mission registered its location and its exact address. One important caveat with this dataset is that it only contains information for currently active businesses, so businesses that registered but subsequently failed won't appear. Because my heatmaps use data for businesses that registered very recently, from 2011 to 2013, I don't expect survivorship bias to have a large effect on the results. I filtered the dataset to focus on specific business categories that I expected would shed light on the relative affluence and degree of

gentrification of neighborhoods: restaurants, cafes, bars, liquor stores, jewelry stores, beauty salons, and childcare providers.

The second and third datasets provide the assessed values of properties across San Francisco. These property values are computed by the San Francisco Office of the Assessor-Recorder in order to determine property taxes each year. There were 196,782 properties in 2011 that existed in 2013. I used the data to analyze property appreciation on those properties between 2011 and 2013, focusing on the properties with appreciation of at least 70%.

Finally, I used MapQuest (http://www.mapquestapi.com/geocoding/) to geolocate any addresses that didn't already have exact longitude and latitude values.

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EXHIBIT H

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Where tech buses roam, affluence follows

Heather Knight
Updated 9:14 am, Wednesday, February 12, 2014

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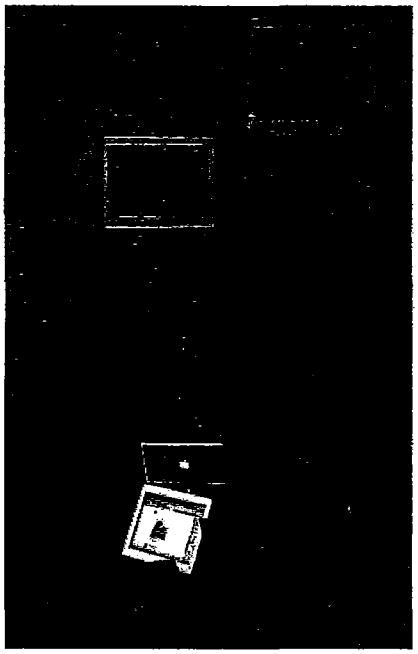
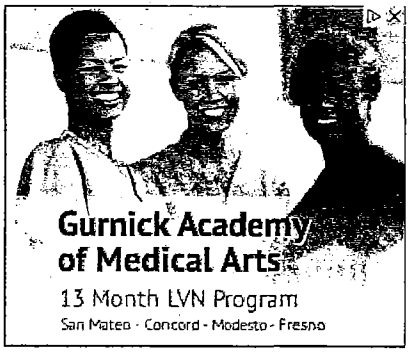


Patrons stare into their laptop screens at Cafe La Boheme near 24th and Mission streets, a once-bedraggled, increasingly upscale locale that's a techie favorite. Photo: Carlos Avila Gonzalez, The Chronicle

Which came first, the Google bus stop, the two-bedroom apartment for $10,500 a month, or the new place that sells organic fruit juice and nut milk for $12 per serving?

All of the above exist on Valencia Street within blocks of each other, and a freelance journalist living half a world away has shown that they have interesting connections.

Chris Walker, 29, lives in Mumbai, India, with his girlfriend, who works in international



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development. He recently used San Francisco city government's open data programs to map the bus stops of those controversial private shuttles that carry tech workers to their offices on the Peninsula and in Silicon Valley.

He also mapped the restaurants, cafes and bars that took out business licenses from 2011 to 2013. And he compared the city's property assessment rolls from 2011 and 2013 and mapped where properties appreciated the most in that period. Surprise, surprise - they're all grouped together in what Walker has dubbed "clusters of affluence."

"San Francisco has always been a really expensive place to live, but I wanted to see if these neighborhoods had become even more gentrified and affluent with the arrival of all these tech workers who commute to the South Bay," said Walker. "Broadly, I think the data does show that."

Walker, a Union City native, worked in data visualization for a large tech company before deciding to shift those skills to data journalism to tell, as he described it, "important news stories that I care about." Like the gentrification of some of San Francisco's most beloved neighborhoods.

Feeding upon itself

As Walker sees it, technology companies stationed their bus stops in fun, hip neighborhoods where their young workers were increasingly moving. Those new residents, with plenty of disposable income, prompted more new restaurants, cafes and bars to open - drawing more tech workers, raising housing prices and luring more new businesses.

"It becomes this vicious circle where you see the neighborhoods just keep getting more affluent, and that's where you see an uptick in evictions and people getting forced out," Walker said. "That's where a lot of unrest and anger is coming from."

While many neighborhoods around San Francisco contain Walker's "clusters of affluence" - from the Castro to South of Market to North Beach and more - the Mission is ground zero.

Companies like Google, Apple, Yahoo and Facebook hire private shuttles to pick up their workers in the Mission, and it's there that protesters in recent months have blocked some buses, arguing that tech companies are responsible for the neighborhood's skyrocketing housing prices and rampant evictions.

A recent UC-Berkeley study found the average tech shuttle rider is a single male about 30 years old who pulls down $100,000 or more a year.

Drinking establishment

That's good news for Carla Gutierrez, 34, who opened Silver Stone Coffee at 24th and Mission streets two years ago. She said she gets a lot of foot traffic from tech workers grabbing coffee and bagels on their way to catch their shuttles in the morning. They also scoop up the $4 juice drinks called the Green Machine (think spinach, celery and cucumber) and Jugo Vampiro (carrots, pineapple, beets.)

Her father has owned the property, formerly a bar called the Carlos Club, for 30 years - and Gutierrez likes the new Mission.

"I think any change in this neighborhood is good," she said.

Some managers of older businesses appreciate the new clientele as well. David Rantisi is


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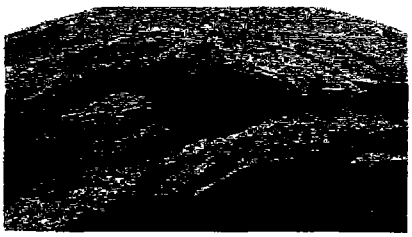
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the 58-year-old manager of the Tropicana convenience store on Mission near 22nd Street. He said he could barely pay his bills during the recession, but now gets a lot of customers who are young and educated and sport laptop bags slung over their shoulders.

Not everyone happy

The loud clangs of construction equipment just outside his door are music to his ears because they signify more buildings and more potential customers.

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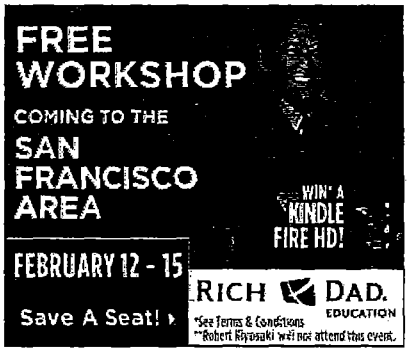

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EXHIBIT I

Riding First Class:
Impacts of Silicon Valley Shuttles on Commute & Residential Location Choice

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WORKING PAPER
UCB-ITS-WP-2014-01
February 2014

Publications in the Working Paper series are issued for discussion and are not considered final reports.

ABSTRACT
Employer-provided private shuttles have become a prominent part of the transportation network between San Francisco and Silicon Valley. As the Bay Area plans for transportation investments to meet sustainability goals and accommodate future population and employment growth, an understanding of the role of regional commuter shuttles becomes increasingly important. This study investigates the impacts of private shuttles on commute mode and residential location choice by conducting a travel time comparison and surveying shuttle riders. The authors find that the provision of shuttles and knowledge of shuttle stops influences both commute mode and residential location choice. Shuttles are an attractive option due to their time and cost savings compared to other modes. However, shuttles exacerbate the jobs-housing imbalance by enabling individuals to live farther from work. The extent to which location of shuttle stops influences residential location choice varies from person to person, though the vast majority of shuttle riders live within a short walk from the nearest shuttle stop. Policies should strike a balance between improved sustainability with existing land use patterns and better long-term regional transportation and land use planning.

INTRODUCTION

Employer-provided private shuttles have become a prominent part of the San Francisco Bay Area's transportation network, ferrying workers between San Francisco and other parts of the region and Silicon Valley. These services have grown rapidly in the last ten years. Shuttles provide substantial environmental and congestion reduction benefits compared to solo driving, and they enable employers to compete for high tech workers across a much larger labor shed than conventional transit. However, in San Francisco, shuttles have also engendered community concerns about local traffic impacts and escalation of housing costs.

In the coming decades, the San Francisco Bay Area is projected to see significant growth in population and employment, as city and state policies promote and support added infill development to meet increasing housing demands and address sustainability goals. A better understanding of the role of employer-provided shuttles and their impacts on residential location and commute choice thus becomes increasingly important.

This study investigates employer-provided shuttles and their impacts on commute mode and residential location choice for Silicon Valley tech employees, focusing on the San Francisco to Silicon Valley services. We ask, does the provision of shuttles reduce vehicle miles traveled? Does the availability of shuttle service influence residential location choice near shuttle stops?

BACKGROUND

San Francisco Bay Area transportation network: Issues, trends & policies

The San Francisco Bay Area is a dynamic region with a population of 7.2 million, a land area of approximately 18,000 sq km (7,000 sq mi), and a gross regional product of $535 billion. Across this region, twenty-eight transit agencies collectively carry some 1.6 million passengers a day (Metropolitan Transportation Commission). Nevertheless, solo driving is the dominant commute mode in the Bay Area, and this auto dependence imposes major costs to society including congestion, lost productivity, noise, pollution, and other negative externalities (Terwilliger Center for Workforce Housing 2009). In 2012, the San Francisco-Oakland area ranked second in the country for yearly hours of delay per auto commuter due to congestion, while San Jose ranked 28th (Lomax et al. 2012).

The population is projected to increase to 9.3 million by 2040, and employment to increase 33% (Association of Bay Area Governments et al. n.d.). The existing transport network is strained, as are its funding sources. While congestion is getting worse, the automobile transportation network is not expected to expand commensurately with vehicle miles traveled (VMT) (Cervero 2002; Association of Bay Area Governments et al. n.d.). Likewise, few major transit expansions are anticipated. To accommodate population and employment growth, and mitigate travel externalities, the region is emphasizing "sustainable" transportation strategies such as demand management and optimization of existing highway and transit operations. These strategies are relatively inexpensive and have low environmental costs, while providing increased accessibility.

Affordable, environmentally benign strategies are also needed to meet the greenhouse gas reduction targets set forth in state laws, notably Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006, and California Senate Bill 375 (SB 375), the California Sustainable Communities and Climate Protection Act of 2008 (Association of Bay Area Governments et al.

n.d.). SB 375 requires metropolitan areas to develop a Sustainable Communities Strategy (SCS) that coordinates transportation, land use, and housing in the long-range transportation planning process to meet these goals.

A comprehensive approach must be taken under SB 375. Locating housing and services close to employment centers and transit is crucial. In addition, a suite of Transportation Demand Management (TDM) strategies is needed, including fast, reliable transit and safe and convenient walking and biking environments. Parking management, carpooling, carsharing, programs that shift travel to off-peak periods, and even road pricing initiatives are often part of TDM strategies (Victoria Transport Policy Institute 2013).

In this context, the rise of employer shuttles offers new opportunities for reducing VMT and emissions. The shuttles expand transit services at little cost to the public (assuming local traffic impacts are manageable) and attract many commuters who might otherwise drive. Nonetheless, the shuttles also raise questions about the impact on public transit services and the land use implications raised by long-distance commutes.

Employer-provided shuttles in Silicon Valley

"Shuttles" can refer to a variety of public or private transportation services; serve entities like academic institutions and private employers; operate within specific geographic areas, including to/from transit stops; operate on a schedule or on demand; and use vehicles ranging from mini-vans to full-sized coach buses (SFCTA 2011). This study focuses on employer-provided commuter shuttles that ferry employees from San Francisco to Silicon Valley. These privately operated shuttles are often full-size coach buses with regular, fixed schedules.

Private commuter shuttles are not a new phenomenon. Private commuter buses operated in California as early as the 1950s, and grew during the 1980s (Singa & Margulici 2010). Employer-provided bus services existed by the 1980s, when Hughes Aircraft, a Southern California aerospace company, contracted with a private operator to run ten bus routes at a subsidized cost to employees (Cervero 2012). At the same time, private companies were running intercounty routes to large work sites in Southern California and the Bay Area (Cervero 2012).

The employer-provided shuttles serving Silicon Valley are distinct from previous shuttles that focused primarily on the "last mile" problem between suburban workplaces and the closest rail station. These shuttles are express buses provided primarily as an employee benefit for recruitment, retention, and productivity purposes; as such, they are free for employees and need not operate profitably (SPUR 2013; Harrington 2013; Cosgrove n.d.; Singa & Margulici 2010). These shuttles offer amenities such as spacious seats, working tables, and wireless internet (Singa & Margulici 2010). Employers value the shuttles as an effective TDM strategy to improve their environmental footprint and reduce parking requirements (Apple, Inc. 2012; Genentech, Inc. 2013; Google, Inc. 2011; Google, Inc. n.d.; SPUR 2013). The shuttles are usually one of several transportation options provided, including guaranteed rides home, onsite carsharing or bikesharing, intra-campus shuttles, transit subsidies, and carpool programs (SPUR 2013; Harrington 2013).

Google was the first tech company to provide this type of shuttle at its Mountain View headquarters (Harrington 2013). In 2004, Google upgraded its vanpool program to a shuttle route that made two stops in San Francisco and carried 155 passengers a day (Thomas 2012). Ridership doubled within a year. Google currently operates about 100 buses at 80 shuttle stops across the Bay Area with 380 daily departures and approximately 10,000 daily one-way trips (Harrington 2013). In comparison, the San Francisco transportation network accommodates approximately 1.9 million auto trips and 600,000 transit trips per day (Cambridge Systematics 2012). Google's shuttle ridership and fleet are similar in scale to the fixed-route suburban bus service of Central Contra Costa Transit Authority (Metropolitan Transportation Commission 2012b). While Google's shuttles cover a large portion of the Bay Area, two thirds of their shuttles and ridership are between San Francisco and Mountain View (Harrington 2013).

Other Silicon Valley technology companies have followed suit, with competitors such as Yahoo! launching service in 2005, Genentech in 2006, Apple and eBay in 2007, and Facebook in 2009 (Helft 2007; Anon 2007; Kincaid 2009; Roche n.d.). By 2012, at least 9 employers were offering shuttles between San Francisco and Silicon Valley, with at least 7,000 people riding the shuttles daily (SFCTA Plans and Programs Committee 2012). Other companies that provide shuttle services include Netflix, Electronic Arts, and LinkedIn (SFCTA 2011).

The need for these shuttles is in part a reflection of the region's fragmented transit services. The Bay Area Rapid Transit District (BART) operates in four counties but does not currently serve Silicon Valley (San Francisco Bay Area Rapid Transit District 2009). From San Francisco, Caltrain offers rail service to 32 stations between San Francisco and southern Santa Clara County, but many users require a lengthy access trip to reach Caltrain (Caltrain n.d.). The San Francisco Municipal Transportation Agency (SFMTA), which operates Muni, the public transit system for San Francisco, does not offer services outside of the city. SamTrans offers an express bus between Palo Alto and San Francisco, but the route serves only the Financial District in San Francisco and runs hourly (San Mateo County Transit District 2012). The region's inability to better integrate its transit services has created gaps that the corporate shuttles are now filling.

Responses to the shuttles & the Commuter Shuttles Policy and Pilot Program

The shuttles have been met with mixed reception by San Franciscans. Most shuttle stops are located at Muni bus stops, and the shuttles occasionally impede Muni access or block bicycles and auto traffic (Riley 2012). Residents have also raised complaints about noise and vibrations from shuttles, particularly on residential streets (SFCTA 2011). Moreover, there is anecdotal evidence that some tech employees choose to live close to shuttle stops, causing real estate prices to rise further and gentrify portions of San Francisco (Helft 2007; Roose 2012; Carroll 2013; Lloyd 2008; Pisillo 2012).

The San Francisco County Transportation Authority (SFCTA), which administers the half-cent local transportation sales tax program and acts as the congestion management agency for the city, reports that the shuttles have reduced VMT and solo driving trips, leading to decreases in greenhouse gas emissions and air pollution (SFCTA 2011). Shuttle riders themselves are extremely positive about the shuttle's impact on their quality of life, often citing it as their most important employee benefit (SPUR 2013; Helft 2007).

Last updated February 11, 2014

Google was the first tech company to provide this type of shuttle at its Mountain View headquarters (Harrington 2013). In 2004, Google upgraded its vanpool program to a shuttle route that made two stops in San Francisco and carried 155 passengers a day (Thomas 2012). Ridership doubled within a year. Google currently operates about 100 buses at 80 shuttle stops across the Bay Area with 380 daily departures and approximately 10,000 daily one-way trips (Harrington 2013). In comparison, the San Francisco transportation network accommodates approximately 1.9 million auto trips and 600,000 transit trips per day (Cambridge Systematics 2012). Google's shuttle ridership and fleet are similar in scale to the fixed-route suburban bus service of Central Contra Costa Transit Authority (Metropolitan Transportation Commission 2012b). While Google's shuttles cover a large portion of the Bay Area, two thirds of their shuttles and ridership are between San Francisco and Mountain View (Harrington 2013).

Other Silicon Valley technology companies have followed suit, with competitors such as Yahoo! launching service in 2005, Genentech in 2006, Apple and eBay in 2007, and Facebook in 2009 (Helft 2007; Anon 2007; Kincaid 2009; Roche n.d.). By 2012, at least 9 employers were offering shuttles between San Francisco and Silicon Valley, with at least 7,000 people riding the shuttles daily (SFCTA Plans and Programs Committee 2012). Other companies that provide shuttle services include Netflix, Electronic Arts, and LinkedIn (SFCTA 2011).

The need for these shuttles is in part a reflection of the region's fragmented transit services. The Bay Area Rapid Transit District (BART) operates in four counties but does not currently serve Silicon Valley (San Francisco Bay Area Rapid Transit District 2009). From San Francisco, Caltrain offers rail service to 32 stations between San Francisco and southern Santa Clara County, but many users require a lengthy access trip to reach Caltrain (Caltrain n.d.). The San Francisco Municipal Transportation Agency (SFMTA), which operates Muni, the public transit system for San Francisco, does not offer services outside of the city. SamTrans offers an express bus between Palo Alto and San Francisco, but the route serves only the Financial District in San Francisco and runs hourly (San Mateo County Transit District 2012). The region's inability to better integrate its transit services has created gaps that the corporate shuttles are now filling.

Responses to the shuttles & the Commuter Shuttles Policy and Pilot Program

The shuttles have been met with mixed reception by San Franciscans. Most shuttle stops are located at Muni bus stops, and the shuttles occasionally impede Muni access or block bicycles and auto traffic (Riley 2012). Residents have also raised complaints about noise and vibrations from shuttles, particularly on residential streets (SFCTA 2011). Moreover, there is anecdotal evidence that some tech employees choose to live close to shuttle stops, causing real estate prices to rise further and gentrify portions of San Francisco (Helft 2007; Roose 2012; Carroll 2013; Lloyd 2008; Pisillo 2012).

The San Francisco County Transportation Authority (SFCTA), which administers the half-cent local transportation sales tax program and acts as the congestion management agency for the city, reports that the shuttles have reduced VMT and solo driving trips, leading to decreases in greenhouse gas emissions and air pollution (SFCTA 2011). Shuttle riders themselves are extremely positive about the shuttle's impact on their quality of life, often citing it as their most important employee benefit (SPUR 2013; Helft 2007).

In response to the growth of privately operated shuttles, the SFCTA undertook an extensive study focusing on the regional employer shuttles. The resulting Strategic Analysis Report documented benefits and impacts of the shuttles, and recommended the creation of the Muni Partners Program at the SFMTA coordinate, manage, and support the growth of the private shuttle sector (SFCTA 2011). Established in 2011, the Commuter Shuttles Policy and Pilot Program (formerly known as the Muni Partners Program) is one component of the city's overall TDM strategy.

The primary goals of the Commuter Shuttles Policy and Pilot Program are to better understand the private shuttle sector, establish clear and coherent curb use policies, develop identification and communication processes to increase accountability of shuttles, and collaborate with shuttle providers for mutually beneficial outcomes (SPUR 2013; SFCTA Plans and Programs Committee 2012). To this end, the program has inventoried shuttle providers, studied their fleets' fuel and activity profiles, surveyed shuttle riders, and collected data on operational conflicts. The Commuter Shuttles Policy and Pilot Program has not focused on the shuttles' impacts on residential location choice. In July 2013, SFMTA announced plans for an 18-month test of a new set of shuttle regulations (Cabanatuan 2013). Shuttles would be limited to a network of 100 designated Muni stops, and would be required to purchase permits and display visible identification placards. Shuttle operators would also be required to give priority to Muni buses at stops, and share data on ridership and routes with SFMTA.

Transportation and land use connection

Strategies to address California's sustainability goals and ensure the economic vitality of the region must take into consideration the connections between transportation, land use, and housing. Transportation and land use influence each other, so strategies that do not address both factors are apt to be ineffective (Cervero & Landis 1995).

The San Francisco Bay Area faces major transportation, land use, and housing challenges. Housing costs are high, with the Bay Area ranking number one in median home value and median gross rent. Bay Area households spend nearly 60% of their income on housing and transportation (Terwilliger Center for Workforce Housing 2009). The state mandates that cities plan for housing by affordability level in their general plans, and regional agencies assign housing allocations to the cities and counties (Association of Bay Area Governments et al. n.d.). In the Bay Area, Priority Development Areas (PDAs), infill development opportunity areas with easy access to transit, jobs, and services, have been the focus for most recent regional housing allocations (Association of Bay Area Governments et al. n.d.). These efforts focus on meeting housing needs in transit-oriented environments to facilitate regional connectivity, and assign much of the responsibility for housing to the largest cities. While the Bay Area has made progress in aligning land use, housing and transportation policies, most cities have not been able to meet their housing allocations except for the most affluent residents. According to the 2013 Silicon Valley Leadership Group CEO survey, the high cost of housing is the top challenge to attracting and retaining employees (Hirahara 2013).

A major challenge is the jobs-housing imbalance. Employment is concentrated in job-rich communities that do not house a commensurate portion of the workforce. For instance, the region as a whole has about 0.46 jobs per capita (Association of Bay Area Governments et al.

n.d.; California Employment Development Department 2010); Palo Alto has 2.5, while San Jose has 0.83 (Arieff 2012). This imbalance increases driving, raises greenhouse gas emissions, expands the commute shed for workers, and raises equity and job access concerns (SPUR 2012). Improving this balance means less commuting, more personal time, and better quality of life (Hirahara 2013). However, a simple numeric balance is not the whole story, since housing choice depends on factors such as housing type, price, and local amenities.

The Bay Area is home to the nation's most competitive knowledge services sector, which represents the fastest-growing portion of the regional economy (SPUR 2012). Many of these tech jobs are located in low-density office parks and corporate campuses in Santa Clara County, locations that are less conducive to transit use, and encourage solo driving (Cervero 2012; Singa & Margulici 2010). However, congestion is chronic on the freeway corridors that serve Silicon Valley (Rosenberg 2012). To ensure the economic vitality of this sector in light of the jobs-housing imbalance, TDM strategies like shuttle service become increasingly important.

METHODOLOGY

Scope

The study investigates whether provision of employer-provided shuttles and knowledge of their location influences employees' commute mode and residential location choices. There are several types of shuttle service, and this study focuses on employer-provided commuter shuttles that ferry employees from San Francisco to Silicon Valley. These privately operated shuttles are most often full-size coach buses with regular, fixed schedules.

While regional shuttle services operate throughout the Bay Area, the largest concentration originates in San Francisco. The study focuses on individuals who board shuttles in San Francisco and work full-time in San Mateo and Santa Clara Counties at technology-related companies.

Data & Approach

To better understand the role that shuttles are playing in commuting along the Peninsula, we compared travel times by shuttles and transit between nine of the roughly 200 shuttle stops in San Francisco and four major employers offering shuttles. We also developed and implemented a survey to investigate how the provision of shuttles and knowledge of stops influence Silicon Valley employees' residential location choice and commute mode. We supplemented our findings with interviews with the SFCTA, SFMTA, and Google, and by attending a San Francisco Planning and Urban Research-hosted panel on the Silicon Valley commuter shuttles.

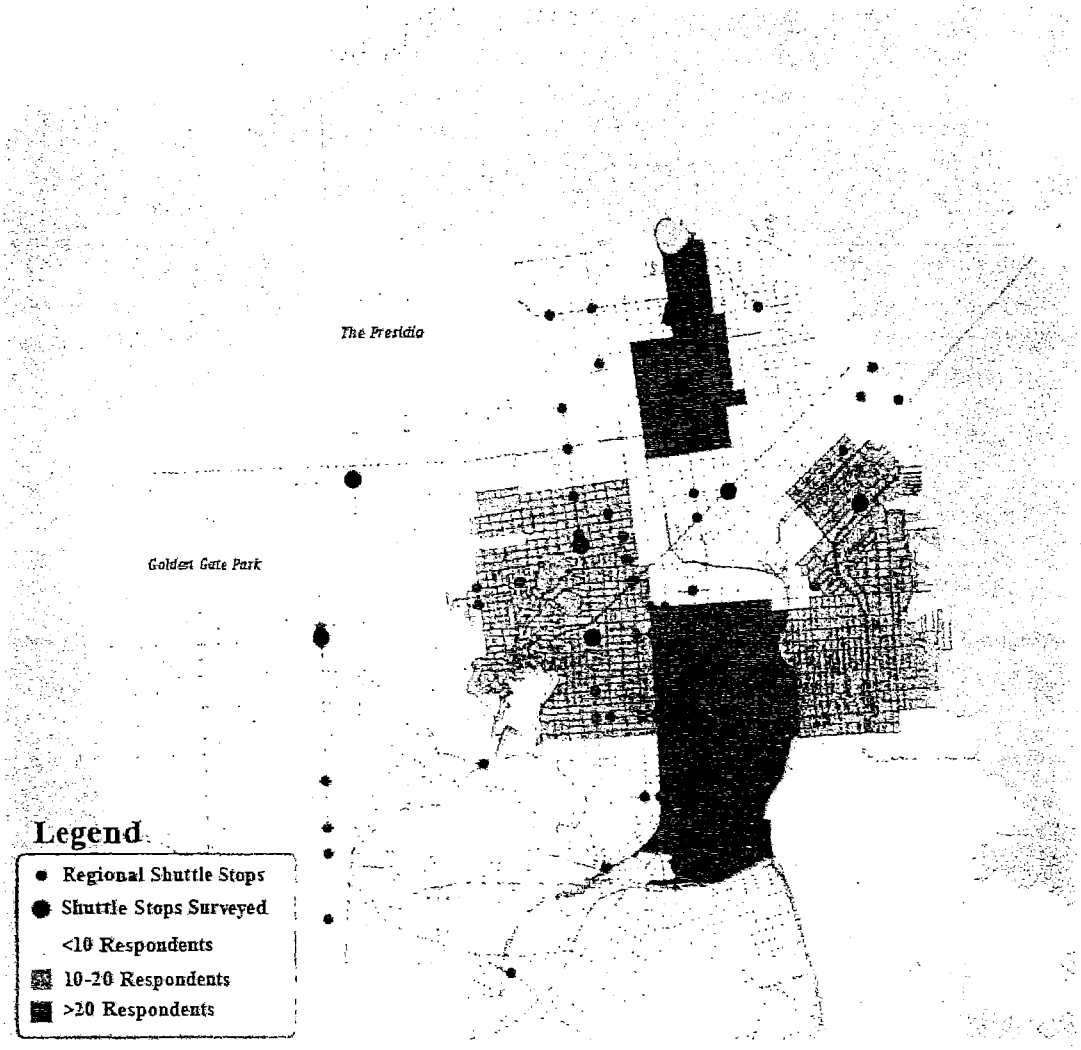
Nine of the roughly 200 shuttle stops in San Francisco were selected for study, with time and resource constraints being the limiting factor on the number of locations surveyed. Shuttle stops were chosen with attention to geographic coverage and ridership volumes. The authors relied on maps of shuttle stops compiled by the SFCTA, Stamen Design, and Google (SFCTA 2011; Stamen Design 2012; Anon 2013). Shuttles with particularly high ridership were identified in the field data collection through the Muni Partners Program (Nelson\Nygaard Consulting Associates, Inc. 2012). Clusters of stops were also given special consideration due to the possibility of reaching a broader base of shuttle riders. All shuttle locations surveyed were served by more than one tech company.

Travel Time Comparison

Using Google Maps, travel times for the shuttles and transit were calculated between each of the nine sampled shuttle stops and four of the largest shuttle providers: Apple, Facebook, Genentech, and Google. Shuttle times were approximated as seven minutes of walking access time (based on survey responses from shuttle riders), plus the non-congested driving time between the shuttle stops and employers escalated by 40 percent, plus five minutes for loading and unloading. The escalation factor corresponds to the ratio between congested and non-congested travel times from San Francisco to San Jose during the weekday morning peak, based on Caltrans data for June 2013 (California Department of Transportation n.d.). The average walking access time was calculated using the responses of shuttle riders to the survey presented in the next section of this paper. Only access times for those who live within a 15-minute walk of a shuttle stop were considered, since it is assumed that commuters living more than 15 minutes away from shuttle stops would be likely to use a faster access mode. This assumption is borne out by the survey data as well: 76 percent of shuttle riders lived within 15 minutes of their shuttle stop, and a commensurate 80 percent of shuttle riders reported walking to their shuttle stop.

Transit travel times assume that a last-mile shuttle would be provided, and are calculated as seven minutes of walking access to transit, plus the travel time for arrival at the destination Caltrain station (or, if faster, BART station for Genentech) by 9:00am, plus three minutes for a transfer to a last-mile shuttle, plus the non-congested driving time between the rail station and the corporate campus. The seven-minute access time for transit may be a slight overestimate since there could be a bus stop closer to a commuter's home than the shuttle stop, but the maximum magnitude of this bias is very small. The travel time comparison evaluates the walk-to-transit and walk-to-shuttle accessibility to Silicon Valley of the areas around the nine sampled shuttle locations.

FIGURE 1 Map of Regional Shuttle Stops & Locations Surveyed



Employee surveys

Surveys were administered online using Qualtrics survey software. Flyers displaying a QR code and the URL for the survey were distributed to employees waiting at nine shuttle stops in spring 2013. Unlike the travel time comparison, which was limited to four major companies, the survey was distributed to all employees waiting at the shuttle stops. A $50 cash prize was used as an incentive for participation. In total, 1,169 individuals were approached with a flyer, and 924 total flyers were distributed. The survey link was opened 291 times; however, responses were excluded from the analysis if the respondent stopped before finishing the survey (44 respondents), or if the respondent did not work at a technology-related company in San Mateo or Santa Clara counties, or left critical questions blank such as commute mode choice (77 respondents). Of the 170 valid responses, 130 were from commuters taking employer-provided shuttles between San Francisco and Silicon Valley.

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The online survey took approximately 10 minutes to complete. Respondents were asked about their workplace location, whether their employer offers shuttles, their primary commute mode, and other ways of commuting in the past three months. Subsequent questions asked about their reasons for using the shuttle and how they would commute without it, and their residential choices, including the factors that went into choosing their home. Additionally, basic demographic information was collected. Finally, respondents were given the opportunity to elaborate on previous answers in a free response.

An online survey could rule out users lacking internet access, but we believe it is not a limitation since the target demographic are technology-savvy individuals. The survey was opened by 31.5% of those who received flyers, and valid responses were received from 58.4% of those who opened the survey. Overall, valid responses were returned from 18.4% of those who received flyers. The non-completion rate among those who opened the survey is likely due to the personal nature of questions about work and home location and reluctance by some employees to share information about their employers. The results of this research could be strengthened by a larger sample, but a sample of 130 shuttle riders still provides useful insights into the factors influencing commute mode and residential location choices.

RESULTS AND ANALYSIS

Travel Time Comparison

The travel time comparison examines the added accessibility created by employer-provided shuttles. Shuttles will only impact commute mode and residential location choice if they offer a service more desirable than transit or driving alone. Cost and travel time are two of the most important factors in mode choice. Employer-provided shuttles, as a free employee benefit, are superior on user costs. They also offer dramatic time savings over transit in the San Francisco to Silicon Valley corridor, and over solo driving where shuttles are able to use carpool lanes. For Google, shuttle trips are usually limited to three pick-up stops per route, and up to five drop-off points on campus; other buses run express, with just one pick-up and drop-off, which contributes to time savings (Harrington 2013).

TABLE 1 Travel Time Comparison between Transit and Shuttles

	Apple (Cupertino)			Facebook (Menlo Park)		
Shuttle Stop	**Transit Time**	**Shuttle Time**	**Ratio**	**Transit Time**	**Shuttle Time**	**Ratio**
Park Presidio Blvd & Geary Blvd	126	82	1.5	107	72	1.5
19th Ave & Judah St	127	76	1.7	100	65	1.5
Castro St & 18th St	115	79	1.5	92	67	1.4
Divisadero St & Haight St	116	79	1.5	93	64	1.5
Guerrero St & 24th St	102	74	1.4	82	60	1.4
Van Ness Ave & Union St	119	86	1.4	98	71	1.4
Van Ness Ave & Pine St	113	83	1.4	93	68	1.4
8th St & Market St	103	78	1.3	80	61	1.3
4th St & Townsend St	81	74	1.1	61	57	1.1
Average (minutes)	**104.3**	**79.0**	**1.3**	**82.6**	**64.9**	**1.3**

	Genentech (South San Francisco)			Google (Mountain View)		
Shuttle Stop	**Transit Time**	**Shuttle Time**	**Ratio**	**Transit Time**	**Shuttle Time**	**Ratio**
Park Presidio Blvd & Geary Blvd	68	50	1.4	114	76	1.5
19th Ave & Judah St	60	46	1.3	114	69	1.6
Castro St & 18th St	57	40	1.4	103	71	1.5
Divisadero St & Haight St	61	39	1.6	104	68	1.5
Guerrero St & 24th St	43	34	1.3	90	64	1.4
Van Ness Ave & Union St	73	46	1.6	107	75	1.4
Van Ness Ave & Pine St	66	41	1.6	101	72	1.4
8th St & Market St	44	36	1.2	91	65	1.4
4th St & Townsend St	33	32	1.0	69	61	1.1
Average (minutes)	**49.1**	**40.3**	**1.2**	**92.2**	**69.1**	**1.3**

Notes:

[1] All travel times are in minutes.

[2] Transit travel times are calculated as seven minutes of walking access time plus the transit travel time for arrival at the destination Caltrain or BART station by 9:00am on Monday morning, followed by a 3-minute transfer, plus the drive time for a last-mile shuttle from Caltrain or BART to the corporate campus.

[3] Shuttle travel times are calculated as the non-congested driving time escalated by 40%, plus seven minutes of walking access time to the shuttle stop (based on survey data) and five minutes for loading/unloading. The 40% escalation factor corresponds to the ratio between congested and non-congested driving times for the weekday morning peak from San Francisco to San Jose, based on Caltrans data for June 2013.

The employer-provided shuttles significantly increase alternative-mode accessibility between San Francisco and Silicon Valley. For all four employers, transit plus a last-mile shuttle takes about 1.3 times as long as shuttles on average (and up to 1.7 times as long). The 4th St & Townsend St shuttle location was the most accessible to Silicon Valley, primarily because this cluster of shuttle stops is directly adjacent to the San Francisco Caltrain station. However, even in this case, transit plus a last-mile shuttle would still take 10 percent longer than a shuttle for three of the four companies.

There are other reasons a commuter may choose transit over driving alone, such as increased productivity during the commute, reduced stress from not driving, and cost savings on gas, parking, and reduced vehicle ownership. However, because employer-provided shuttles are running from many locations rather than just a few Caltrain stations, they clearly represent an accessibility increase around the locations in San Francisco at which they are provided, and combine many of the most attractive features of transit with the travel time of driving.

Survey results for shuttle riders

Of the valid survey responses, 130 indicated that an employer-provided shuttle was their primary commute mode between San Francisco and Silicon Valley. The shuttle riders reported employers from 13 cities in Silicon Valley.

Commute choice

Riders were asked to select up to three reasons for choosing to ride the shuttles. The most commonly cited reason was that it is free (57% of respondents). The next most commonly cited factors were increased work productivity (44%), avoiding traffic congestion (35%), and the amenities and comfort of the shuttle (33%).

TABLE 2 Shuttle Riders' Commute Choice: Reasons for Choosing the Shuttle

Factors	N	% of Total Riders
Shuttle is free	74	57%
Work productivity	57	44%
Avoid traffic congestion	45	35%
Shuttle amenities/comfort	43	33%
Reduce carbon footprint/environmental benefits	38	29%
Convenience of a shuttle stop	36	28%
Don't own a vehicle	35	27%
Other options are too slow	29	22%
Other	9	7%
Lack of parking	7	5%

Note: Riders were asked to select up to three factors for riding the shuttles.

To understand the commute mode impacts of the shuttles, respondents were also asked how they would get to work if shuttle service were discontinued. Among shuttle riders, 48% reported they would drive alone. This is similar to results from the SFCTA and SFMTA's Commuter Shuttles Policy and Pilot Program, which found that 49.5% of a larger sample of shuttle riders would drive alone if not for the shuttles (SFCTA Plans and Programs Committee 2012). Of the shuttle riders who have also commuted by driving alone in the past three months, nearly 70% said they would drive if there were no shuttle. Roughly a third of commuters would take alternative modes such as Caltrain (18%), other transit (2%), or carpooling (15%) if the shuttles were discontinued. These findings support the positive impacts of shuttles on environmental and congestion reduction goals, since they are reducing solo driving in a congested freeway corridor. However, they also suggest that the shuttles are reducing use of public transit. If the survey results can be generalized to the estimated 7,000 daily San Francisco-Silicon Valley shuttle riders, 20%, or about 1,400 daily riders, are lost to transit because of the shuttles.

TABLE 3 Shuttle Riders' Response if Shuttle Were Not Provided

Response	N	% of Total Riders
Drive alone	63	48%
Caltrain	23	18%
Carpool	19	15%
Resign or quit working there	13	10%
Other public transit	3	2%
Bike	2	2%
Other	2	2%
No response	5	4%
Total	130	100%

It is also notable that shuttle riders do not completely abandon other commute modes. Nearly half (48%) of all shuttle riders have also commuted by driving alone in the past three months. Shuttle riders have also carpooled (19%) or used Caltrain or other public transit (12% for both).

Residential location choice & household characteristics

As indicated in Table 3, if shuttle service were discontinued, ten percent of shuttle riders said they would leave their job. This underscores the value of the shuttles as a recruitment and retention strategy for companies, since a substantial minority of employees would be unwilling to undertake a long commute without shuttles.

Commuters could also respond to a discontinuation of shuttle service by changing their residential location. When asked if they would move if the shuttles were discontinued, 40% said they would move somewhere closer to their job. This finding suggests that the provision of shuttles does indeed enable a substantial portion of the sample to live in neighborhoods of San Francisco that are farther from their workplaces.

Shuttle riders were also asked about their current residential location choice. Approximately half (45%) of shuttle riders did not move homes since accepting their current job. However, 22% of shuttle riders had moved within the Bay Area to somewhere farther from their workplace since accepting their job while only 10% had moved closer, which suggests that shuttles enable individuals to live farther from work and closer to their personal preferences. All individuals who moved from outside the region to accept their job in Silicon Valley were aware of the shuttle benefit when choosing their home.

Shuttle riders are very likely to live close to their nearest stop. More than half (57%) of respondents live less than a 10-minute walk from their shuttle stop, and 76% are within a 15-minute walk. The majority (80%) walk to their stop.

Respondents were asked to rate the importance of a number of factors when choosing their current home, using a 1 to 5 scale, from "not at all important" to "extremely important." The

most important factor was "ease of walking in neighborhood," which received an average rating of 4.31. Shuttle riders also placed a high value on proximity to entertainment, culture, and amenities, proximity to transit, and living in an urban neighborhood. Proximity to a shuttle stop was the fifth-most influential characteristic, with an average rating of 3.90. Not surprisingly for a group whose residences were 30-80 km (19-50 mi) from work, proximity to work was relatively unimportant.

TABLE 4 Importance of Various Factors in Residential Location Choice

Factor	Mean	Std. Dev.
Ease of walking in neighborhood	4.31	0.72
Proximity to entertainment, culture, and amenities	4.16	0.77
Proximity to transit	4.06	0.80
Living in an urban neighborhood	4.05	0.97
Proximity to employer-provided commuter shuttle	3.90	1.27
Affordability	3.84	0.86
Ample living space	3.57	0.92
Proximity to friends	3.51	1.05
Proximity to work	2.71	1.13
Proximity to family	1.91	1.26
Quality of school district	1.45	0.89

The demographics of San Francisco shuttle riders are worth noting. Most are male (69%). Only 24% lived with a spouse, and only 3% had children. The average age of the shuttle riders was 31.6 years old and the median age was about 30. About 60% had at most a bachelor's degree, 24% a master's or professional degree, and 6% a doctorate. Only 2% earned less than $50,000 and only 13% earned less than $75,000, while 67% reported an income of $100,000 or more. The majority (85%) rent their home. Shuttle riders placed the least importance on quality of school district, which is consistent with the shuttles' young, single, childless demographic.

DISCUSSION

Does the provision of shuttles and knowledge of shuttle stop locations influence commute mode and residential location choice? In short – yes.

The travel time comparison and survey results highlight the value of shuttles to employees. Commuting to Silicon Valley from San Francisco on public transit takes about 30 percent longer than shuttles, which combine many of the most attractive features of transit with a travel time close to that of driving. Aside from savings in time and cost, commuters also place high value on amenities and increased productivity afforded by the shuttles. One shuttle rider comments:

> "It gives me a calm, clean, quiet place to work with WiFi... 75% of the time I work on the shuttle, but I often use that time to work to organize my day – personal and professional... Caltrain is a faster, more efficient option for me, but

> does not afford me the same environment to get things done. People respect the shuttle and co-commuters on the shuttle. When I do carpool every few months, the number of single drivers on the road astounds me and I really believe we are helping to minimize pollution and congestion by lowering our carbon footprint."

The data shows that nearly half of current shuttle riders would drive alone if the shuttles were not provided, supporting the positive impacts of the shuttles on environmental and congestion reduction goals. On the other hand, since 20% say they would use public transit were the shuttles not available, the shuttles do have an impact on public transit ridership and finances.

With regards to residential choices, the data indicate that many are choosing to live farther away from their workplace than they otherwise would. Additionally, 22% of shuttle riders have already moved farther from their jobs since accepting their offer, suggesting that shuttles enable some commuters to live in San Francisco who would otherwise live closer to work.

The survey comments reflected these different experiences. One commuter writes, "I chose to live in San Francisco because of my employer-provided commute shuttles. I would otherwise have lived in [the South Bay], because I don't have a car and who the hell wants to drive that much anyway." Another shuttle rider who is looking to move says, "the convenience of the employee shuttles makes the commute tolerable enough that I don't feel the need to move closer... within San Francisco I am restricting my apartment search to locations that are within walking distance of a shuttle stop."

Shuttles enable individuals to live farther from work, and closer to their preferred neighborhoods. The importance of cultural amenities was evident in several comments. One commuter reflected that, "I would love to work in San Francisco, but I am personally (and financially) invested enough in my employer that I would not consider leaving... I lived in Sunnyvale my first year at my current job and hated it so much. I don't think I would ever live in the South Bay again. I felt very isolated there as a single, gay man."

The relationship between shuttle stop locations and specific neighborhood choice within San Francisco is more complicated. Three quarters of respondents live within 15 minutes of a shuttle stop, with many explicitly using shuttle proximity as a criterion. Respondents wrote, "I relocated to San Francisco ... from Europe and picked my apartment and neighborhood for its proximity to the corporate shuttle stop," and, "I moved specifically to be in a neighborhood that would allow me better access to a regular shuttle service." However, other factors such as urban amenities were more influential overall than shuttle stop proximity. Moreover, employers plan shuttle routes to serve neighborhoods where employees live. Shuttle routes thus may follow tech employees to neighborhoods that people, tech employees or not, find desirable.

Additionally, nearly half of respondents would either move closer to their job or quit if shuttle service were discontinued. One shuttle rider writes, "If my employer didn't offer the shuttle, I would probably quit. I don't want to own a car and the train system sucks, so I would find a job in the city instead."

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CONCLUSIONS AND RECOMMENDATIONS FOR FURTHER RESEARCH

This research supports the importance of shuttles as one part of a suite of TDM strategies that helps San Francisco reach sustainability and environmental goals. The SFMTA's Commuter Shuttles Policy and Pilot Program is a crucial step in ensuring that the shuttles can fit coherently into San Francisco's transportation system by minimizing conflicts with Muni buses and other road users, and ensuring a safe transportation system. The program also provides a model to other cities and regions seeking a rational regulatory framework for private transportation providers.

However, it is also important to recognize that the shuttles may exacerbate jobs-housing imbalances by enabling people to live farther away from where they work and allowing Silicon Valley cities to avoid dealing with the consequences of their underproduction of high amenity urban neighborhoods. The following policy recommendations address both improved sustainability within existing land use patterns and better long-term regional transportation and land use planning.

Broader consideration of shuttle impacts

- The SFMTA's Commuter Shuttles Policy and Pilot Program currently focuses on operational conflicts between shuttles and Muni. The City can broaden this scope by measuring other impacts of shuttles, especially the effects on real estate markets.
- The potential of shuttles as a TDM strategy and their regional scope suggest the region should also study their impacts on transit operations and housing markets regionally. Their impacts are likely different in San Francisco and suburban communities.

Transportation improvements

- Muni and Caltrain operations should be improved to increase job accessibility throughout the city and region, and draw more commuters away from solo driving when shuttles are not available. Slow travel times on transit, particularly in San Francisco, have a severe impact on its attractiveness for Silicon Valley commutes.
- For corporate campuses and job centers located away from Caltrain stations, there are two possible ways of increasing alternative mode accessibility. A policy of strengthening last-mile connections from Caltrain, whether through private shuttles or through SamTrans and other Silicon Valley transit agencies, may be more supportive of regional transit. Alternatively, encouraging long-distance regional shuttles may be more compelling to commuters and thus more effective at reducing solo driving.

Land use and housing policies

- The city and region face daunting challenges in providing affordable housing, both at and below market rate. In pursuing affordable housing strategies, the city should be cognizant of shuttle locations and recognize that there are particular pressures on the real estate market there.
- Silicon Valley communities have an undersupply of housing and walkable neighborhoods demanded by many of the people who work there, placing a great burden on San Francisco's housing market. More and denser housing, at and below market rate, should be provided in transit-accessible locations in job-rich communities in Silicon Valley.

Further research

This research focused on the effects of shuttles on mode choice and residential location choice for Silicon Valley employees who commute from San Francisco. Further research should also be pursued more broadly on this topic. For example, the impact of regional shuttles on residential location choice in suburban settings or elsewhere in the Bay Area is not well understood. Additionally, this research has not examined employees who are offered shuttles but choose to drive alone, nor has it compared responses between people who commute to Silicon Valley by shuttle or by other alternative modes such as Caltrain. Lastly, new business models are emerging such as RidePal, which provides shared shuttles for commuters whose companies do not offer shuttles. There has not been substantial research into whether the impacts of these types of shuttles are different.

Last updated February 11, 2014

ACKNOWLEDGMENTS

This study would not have been possible without the guidance, support, and feedback of Professor Elizabeth Deakin. Thank you, Betty! We would also like to thank the following individuals for their assistance at various stages of this project: Matthew Schabas, Carli Paine, Kyle Gebhart, Paul Supawanich, Brendon Harrington, Alexandra Goldman, Karen Frick, Robert Cervero, Emily Moylan, Kelly Clonts, Brian Dorfman, Patrick Carroll, and Lauren Weinzimmer.

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Last updated February 11, 2014

EXHIBIT J

SFMTA
Municipal Transportation Agency

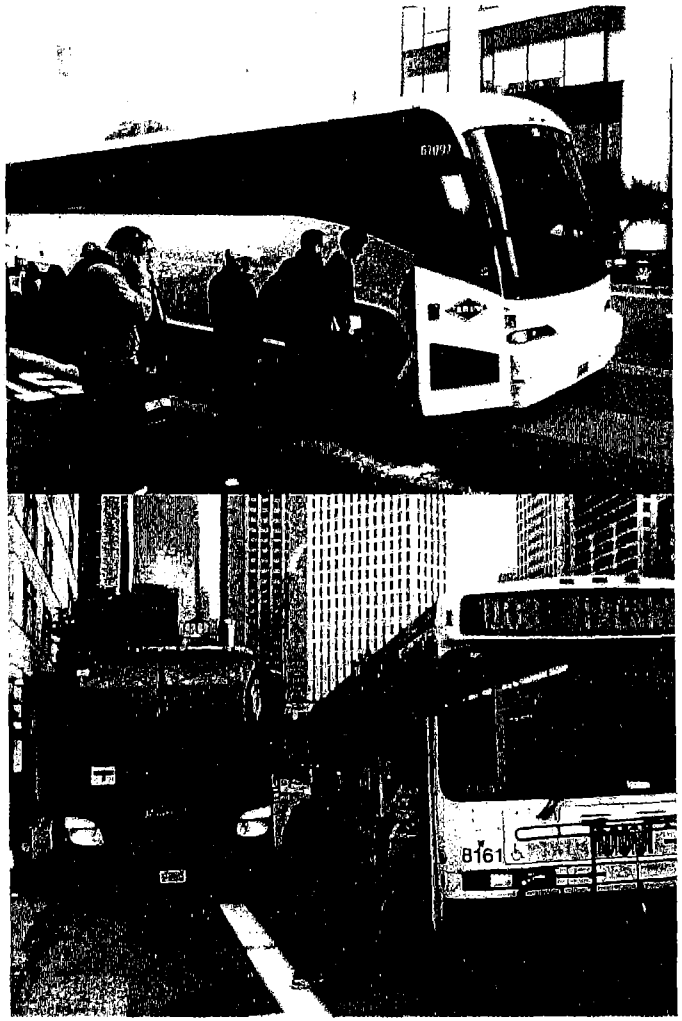
Private Commuter Shuttle Policy
Draft Proposal

07 | 19| 2013
SAN FRANCISCO, CALIFORNIA

Private Commute Shuttle Sector

SFMTA
Municipal Transportation Agency

- 200+ locations where shuttles stopping
  - Most in Muni zones
- <35k trips/day
- AM and PM peak concentration
- Average dwell time: up to 1 min (Muni ~ 20 sec)

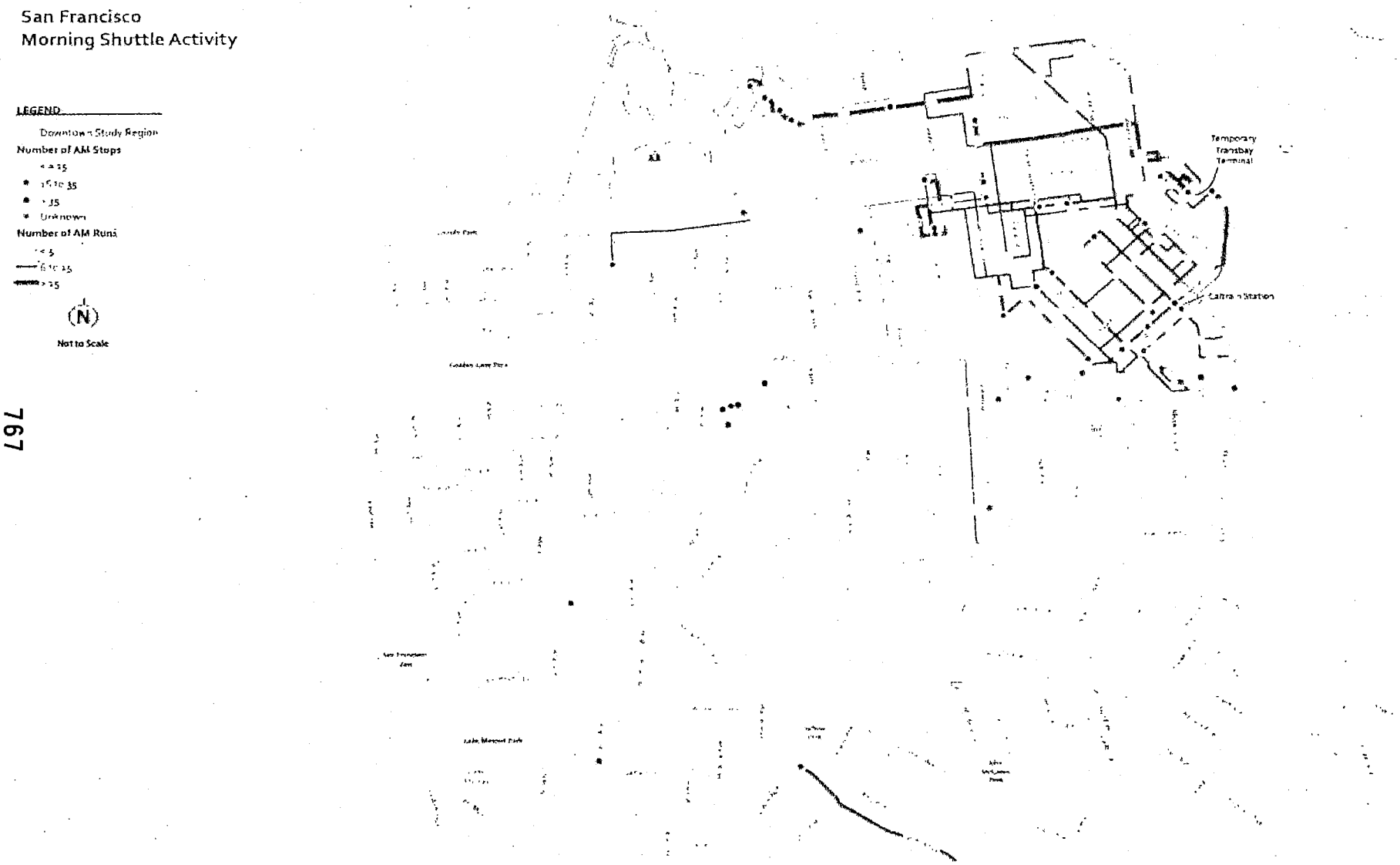


766

AM Shuttle Activity

SFMTA
Municipal Transportation Agency

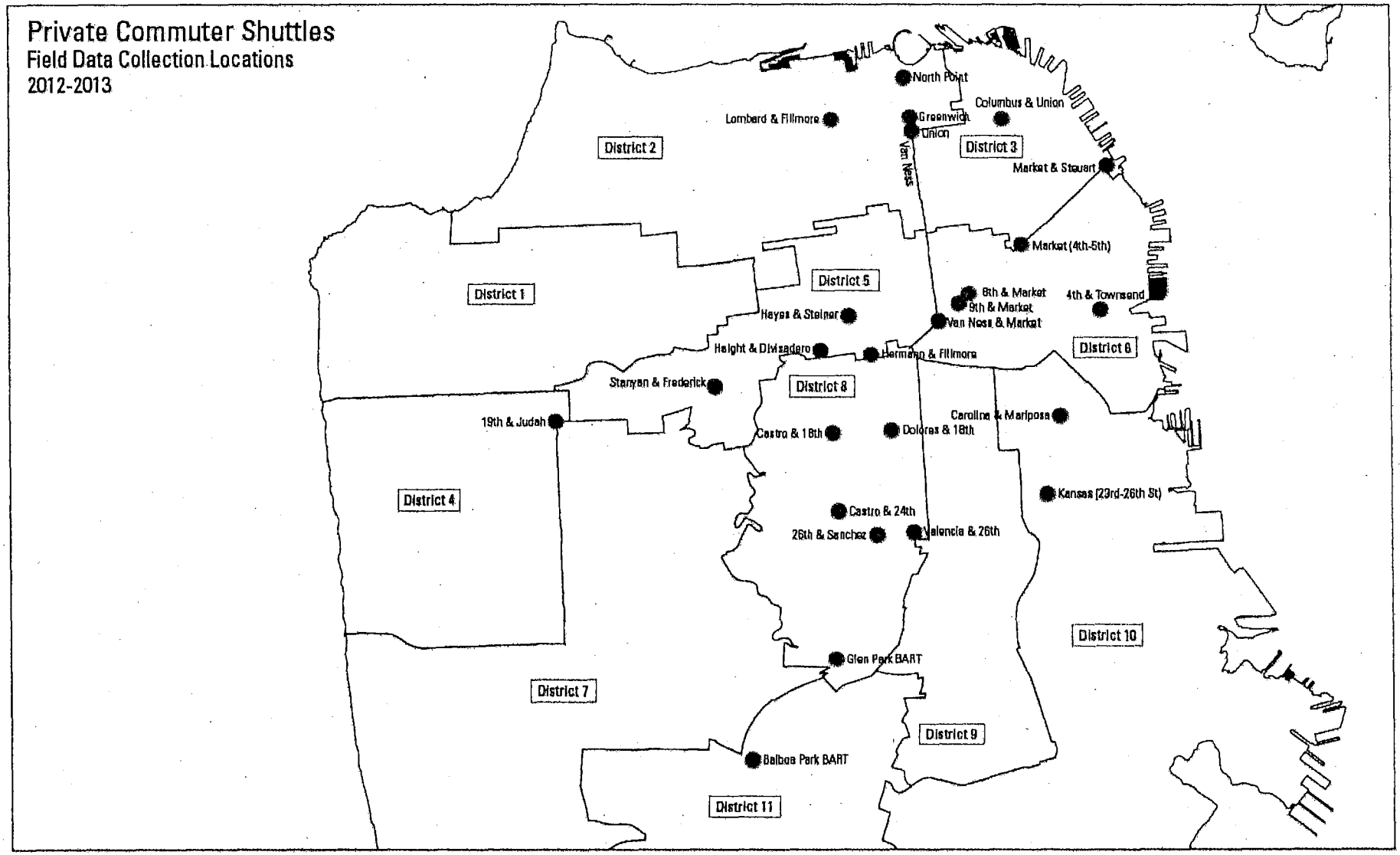
San Francisco
Morning Shuttle Activity



767

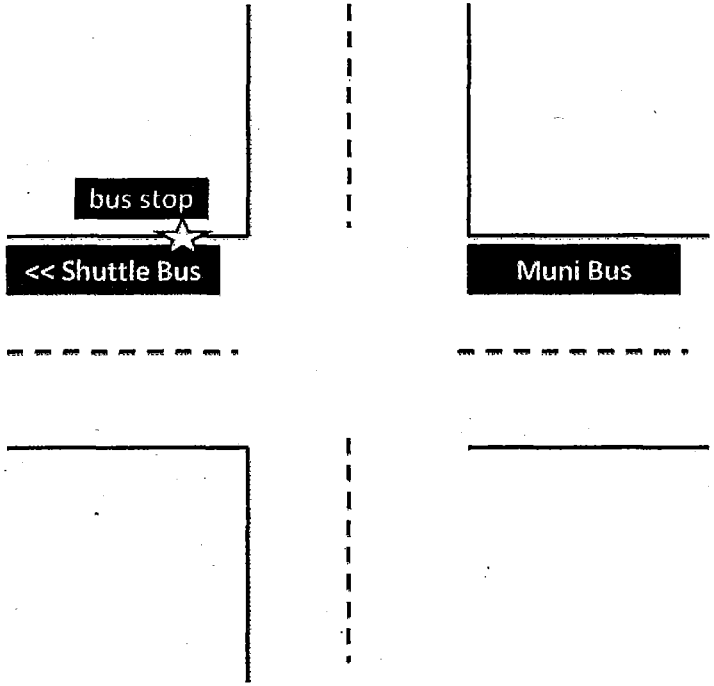
Data Collection

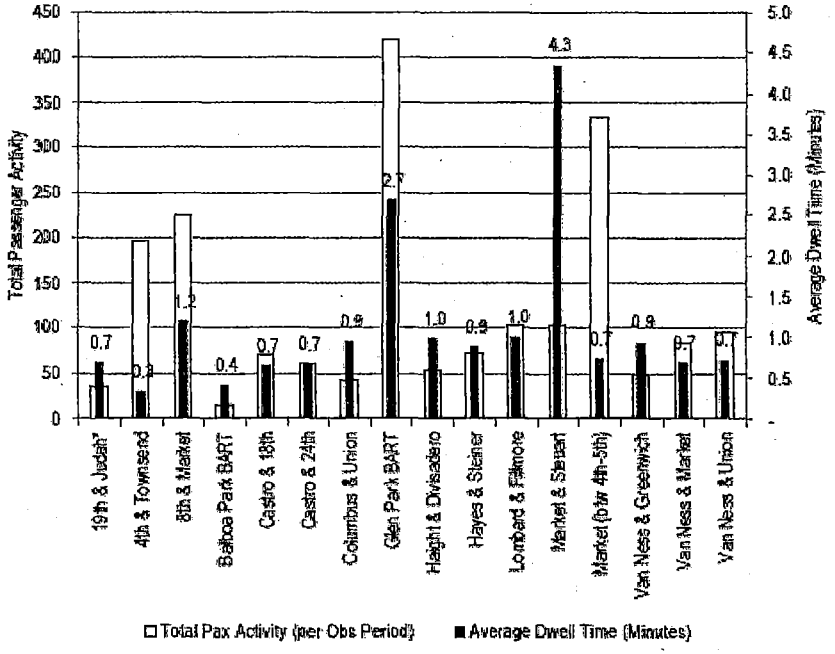
SFMTA
Municipal Transportation Agency



Conflicts

SFMTA
Municipal Transportation Agency



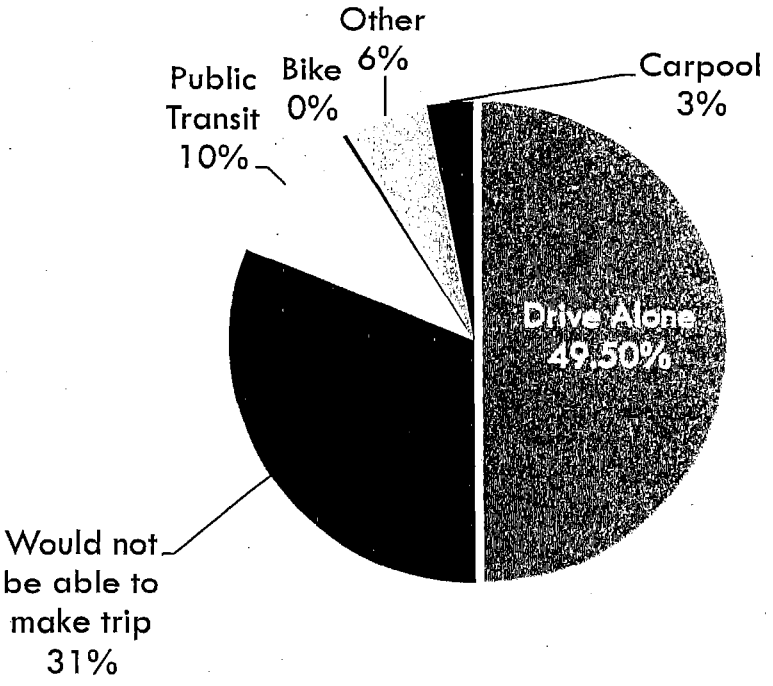


Benefits

SFMTA
Municipal Transportation Agency

- **Surveys of riders showed:**
  - Using transit/walking/biking for non-commute trips
  - Shedding personal cars
  - Accessing shuttles by transit/walk/bike
  - If no shuttles, high percent would drive alone
- **Environmental benefits that support City/SFMTA goals**

Trip Choice if Shuttle Was Not Available



770

Proposal

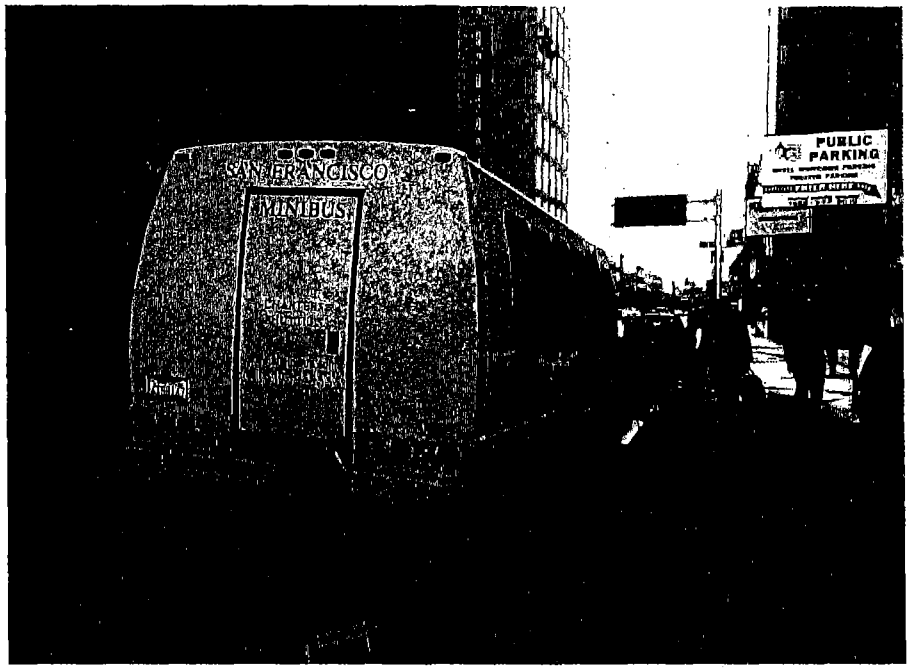
SFMTA
Municipal Transportation Agency

- **Pilot 18-month program**
- **SFMTA would approve ~100 Muni zones to be shared with shuttles of participating companies**
  - Peak combined headways greater than threshold (tbd)
  - Stop length more than 80'
  - No Muni terminals, layovers, rapid stops

Terms of Participation

SFMTA
Municipal Transportation Agency

- **Shuttle operators comply with guidelines**
  - Muni priority
  - No idling, staging, layovers
  - Stay within network
  - Pull to front of stop
  - Active loading only
  - Training
  - On-board placard
- **Sponsors share data with SFMTA**



772

Enforcement

SFMTA
Municipal Transportation Agency

- Enforcement to ensure only participating companies using shared zones
- Illegal to use all other Muni zones, enforcement of these
- On-board placard allows enforcement to identify if a participant, allows easier operator, public complaint
- Creation of new citation to enable tracking

773

Participation Fee

SFMTA
Municipal Transportation Agency

- **Cost-recovery basis including:**
  - Program development and administration
  - Review/analysis of proposed stops
  - Materials
  - Stop maintenance
  - Enforcement
  - Data collection/analysis
  - Auditing/spot checks
  - Lost parking meter revenue
  - Share of stop maintenance
- **Pay based on number of stop-events**
- **Amount being developed**

774

Immediate Next Steps

SFMTA
Municipal Transportation Agency

- Develop staffing/implementation plan & fee (Summer 2013)
- MTAB approval (Sept. 2013)
- BOS approval (Sept. 2013)
- Request proposals for stops (Oct. 2013)
- Launch pilot program--network of stops, membership, etc. (Dec-Jan 2013-14)

775

EXHIBIT K

SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY
1455 Market Street, 22nd Floor, San Francisco, CA 94103
TEL 415.522.4800 FAX 415.522.4829
EMAIL info@sfcta.org WEB www.sfcta.org

FINAL SAR 08/09-2

The Role of Shuttle Services in San Francisco's Transportation System

Initiated by Commissioner Dufty
APPROVED BY THE AUTHORITY BOARD JUNE 28, 2011

TABLE OF CONTENTS

ABOUT SARS: PURPOSE OF DOCUMENT

Strategic Analysis Reports (SARs) are carried out at the request of the Authority Board, to frame current issues of concern and to inform policy development regarding specific transportation issues which may not be adequately addressed by existing regulations or policy. This SAR, initiated at the request of Commissioner Dufty, analyzes the topic of shuttle services in San Francisco, and seeks to determine how best to integrate the growth of shuttles into the overall transportation system, and to manage their operations, in a way that continues to realize their benefits while addressing their impacts. Data for this SAR was gathered through literature review, field observations, and extensive outreach to various stakeholders involved in the shuttle landscape including providers, operators, users, public agencies, and the general public. The study finds that, while shuttles play a valuable role in the overall San Francisco transportation system, policy guidance and improved management are needed and warranted in order to improve operations and minimize impacts. Recommendations for establishment of a Muni Partners Program are provided.

INTRODUCTION

The public transportation system in San Francisco has been increasingly complemented by the proliferation of various types of shuttle services. Shuttle services are provided for a range of reasons, including as a means to address growing traffic congestion and the inadequacy of local and regional transit services in effectively meeting demands for certain types of trips. The term "shuttle" can refer to a broad ange of transportation services that are both publicly and privately provided; which serve entities including community organizations, private employers, and academic or cultural institutions; which operate within specific geographical areas or to/from transit hubs within particular times; and which utilize vehicles ranging from mini-vans to full-sized motor coaches. Shuttle services can be regularly scheduled, or on-demand.[1] Unlike taxis, tour buses, and jitneys, they are not commercial operations (e.g. airport "super shuttle"). Throughout this report, we will be considering more regularly scheduled shuttle service with fixed routes and stops.

In recent years, there has been significant growth of shuttle operations in San Francisco, especially private employer-provided regional shuttles.

In recent years, there has been significant growth of shuttle operations in San Francisco, especially private employer-provided regional shuttles which provide direct service to employment sites from either residential neighborhood stops, or from major transit hubs (e.g. BART, Muni, or Caltrain station). Major employers providing such services include Google, Yahoo!, Apple, Genentech, LinkedIn, Facebook, eBay, and others from the Peninsula and South Bay (Silicon Valley), and local employers such as Adobe, Advent, Levi's Plaza, Gap, and others concentrated within the greater downtown area.

Employers provide shuttle services for a range of reasons, including:

- to address rising commute times due to increased traffic congestion by promoting transit use as a more productive and "green" mode of transportation;
- to fill service gaps and other inadequacies in the local and regional transit systems;
- to recruit and retain a highly skilled workforce who may value living in an urban center and thus be attracted by an easy commute to a distant employment site away from the urban core;
- to discourage driving due to a shortage of on-site parking spaces; and
- in some cases as a response to mandatory planning stipulations as a condition of original site development.[2]

The rise in shuttles in the Bay Area has been seen for some time as having widespread benefits, including desirable environmental effects.[3] At the same time, the growth of shuttle operations within San Francisco has been accompanied by certain local impacts. In particular, public input regarding these impacts has focused on:

- the use of motorcoach vehicles, which are often anonymized and perceived to be more of a nuisance than typical buses;
- conflicts with Muni buses, general traffic, pedestrians, and cyclists, especially at passenger loading areas (shuttle stops); and
- double parking and idling.

Some operators, themselves, also identify the issue of overlapping and redundant shuttle services (either with other shuttles or with Muni services) and suggest the consideration of consolidation of services as a matter of operating efficiency.

In consideration of the above, the primary issues explored in this SAR include the following:

- What are the types of benefits and impacts of regional and local shuttles?
- To what extent should shuttles be more actively managed to optimize their value to the overall transportation system in San Francisco?
- What models exist for shuttle management locally and nationwide?

Research and analysis methods for this report included: literature search; fieldwork; stakeholder outreach,and interviews; public meetings; surveys; and agency consultations.

I. BACKGROUND

SHUTTLE GROWTH TRENDS AND INVENTORY. The growth of shuttles in San Francisco mirrors that of the region, as well as

[1] Throughout this report, we will be considering more regularly scheduled shuttle service with regular planning, relatively fixed routes and stops (whether or not they are officially designated stops). On-demand services such as airport shuttles, and varying services such as tour buses, are not examined in detail in this report as they were not mentioned as frequently in stakeholder outreach surveys, and because their services vary in both schedule and ridership. Findings of this report may be relevant to regulation and management of these other shuttles, however.

[2] Phone interviews with regional shuttle providers, conducted in January-February 2009.

[3] A 2004 Bay Area Air Quality Management District study documented the proliferation of shuttles in the region, and MTC's Regional Transportation Plans have long listed shuttles as transportation control measure (TCMs).

trends elsewhere. Two relatively recent shuttle inventories served as a starting point for understanding the current shuttle landscape in San Francisco. The 2004 Bay Area Clean Air Partnership (BayCAP) Shuttle Network Inventory[4] documented six categories of shuttle operations, based on their sponsors (e.g., employers, City, institutions, or a mix), functions, and funding sources. A 2008 Existing Shuttle Service Inventory for San Francisco compiled by the San Francisco Municipal Transportation Agency (SFMTA)[5] further detailed shuttle operations within San Francisco using similar categories of service (employer, institutional, private, public) within the city (see Appendix A). It found 30 shuttles in operation within the city limits. Both inventories generally reflect four main categories of shuttles:

- local employer shuttles offering a circulator type of service between transit hubs and employer destinations;
- regional private shuttles, which typically travel longer distances and focus on the daily commute with larger vehicles;
- institutional shuttles offered by universities, hospitals, parks, and retail associations to and from transit hubs and/or within a network of campuses; and
- community-based organization (CBO) shuttles, which may reach further into local neighborhoods and offer specialized services to bring users directly to their destinations from as close to home as possible.

Employer and CBO shuttles are privately operated, and as such, offer restricted access only (e.g., with identification required to prove affiliation with the shuttle provider). Institutional shuttles vary in their funding and accessibility by the public.

EXISTING REGULATORY FRAMEWORK. Shuttle providers are licensed and regulated by the California Public Utilities Commission (CPUC). As a city, San Francisco currently has a limited capability to manage shuttle operations. Both aspects of the regulatory framework for shuttles in San Francisco are discussed below.

The CPUC grants shuttle operators the authority to operate within the State of California on the specific routes that the applicant proposes. Every private for-hire carrier of passengers which operates motor vehicles within California is required to register with the CPUC.[6] Shuttles may fall under one of two passenger carrier license categories, depending on whether the service is provided to the general public or not: a "passenger stage corporation" (PSC) provides generally fixed route, individual-fare service which may be scheduled or on-call (for example, airport shuttles), and a "transportation charter party" (TCP) carrier is generally pre-arranged for an exclusive group (for example, employers). For the issues studied in this report, the shuttle sponsors would apply for TCP permits. Applicants need to indicate the type of transportation service, areas (or routes) between which services will be provided, the proposed fares (if any), schedules, vehicle types, rules, and regulations.

The CPUC takes various measures to monitor and investigate carrier compliance with safety and licensing requirements. For example, one requirement for obtaining a permit is to participate in the Employer Pull-Notice (EPN) system administered by the California Department of Motor Vehicles. The EPN allows the CPUC to receive regular updates on driver safety records. Furthermore, the public may also lodge complaints through the CPUC's Complaint Intake Unit. The CPUC may investigate complaints in cooperation with police agencies, and recent enforcement actions have included fines or vehicle impoundment.[7,8]

The San Francisco Police Department has responsibility to enforce the traffic code and SFMTA has jurisdiction over parking with the city. The main ways that San Francisco agencies currently regulate shuttles are as follows:

1. Police:
   - » *Weight restrictions:* In accordance with the San Francisco Transportation Code,[9] some residential and arterial streets are weight restricted for less than 3 tons or 9 tons. Enforcement is limited and necessarily based on manual enforcement (primarily on field observations by police officer on duty, or via public complaints). The criteria for establishment of a weight restriction has to date been case-by-case depending on conditions and traffic patterns specific to that location. The current fine for a weight restriction violation is $103.
   - » *Idling:* In accordance with the California Vehicle Code and the City Transportation Code, privately-owned motor coaches in City right-of-way are allowed to idle for a maximum of five minutes only, unless actively loading or unloading passengers. Enforcement has been limited. SFMTA guidelines stipulate a three-minute idling maximum for Muni vehicles, reflecting the agency's desire to balance emissions impacts with operational needs.[10] The current fine for idling is $103.
2. SFMTA—*Curb Priority:* In accordance with the California Vehicle Code and the City Transportation Code, no vehicles other than Muni vehicles may stop in bus zones for passenger loading and unloading, unless express permission has been granted by SFMTA through an ordinance. Enforcement by either police or SFMTA Parking Control Officers has been limited. The current fine for illegal usage of a bus zone is $253.
3. San Francisco Planning Department—*Impact Mitigation:* The Planning Department may include the provision of shuttle services as a condition of approval for development rights.[11] Depending on their particular approval agreement, properties who are subject to this condition may be required to provide shuttle service during specified times as a supplement

[4] Riordan, Bruce. Bay Area Clean Air Partnership (BayCAP) Shuttle Network Inventory, Bay Area Air Quality Management District, 2004.

[5] Compiled by SFMTA planner S. Fielding, focuses on four main categories of shuttle services (employer, institutional, private, public) within mostly the downtown area.

[6] Exceptions exist including taxicabs (regulated locally) and medical transportation vehicles. See also http://www.cpuc.ca.gov/PUC/transportation/FAQs/psgfaqs.htm

[7] http://www.cpuc.ca.gov/PUC/transportation/Passengers/CarrierInvestigations/

[8] Conversations with W. Lewis, California Public Utilities Commission, 10/09

[9] http://ftp.resource.org/codes.gov/ca.local/ca_sf_transportation.pdf

[10] Conversation with T. Papandreou, SFMTA, 11/09

[11] Conversations with S. Puccioni, 350 Rhode Island Development, 3/25/10, and G. Phillips, China Basin Landing, 11/9/09

to transit service, as well as to assist in periodic monitoring of the service. Developers would typically offer these shuttle services through a third party shuttle provider either directly or through a Transportation Management Association (TMA). For example, in the case of Mission Bay, the City requires both residents and business to pay monthly fees toward the Mission Bay TMA, a separate private entity which plans and operates several successful shuttle routes through the neighborhood connecting with rail transit stations.[12]

4. San Francisco Department of the Environment—For employers with more than 20 employees in San Francisco, one of the possible transportation alternatives as mandated by the San Francisco Commuter Benefits Ordinance (effective January 2009) is a shuttle service.

Shuttles operating on a regional level, but serving or passing through San Francisco, may be required to operate by jurisdictions outside of San Francisco, as part of a mandated travel demand management (TDM) strategy. For example, as cited in the recent report by the California Center for Innovative Transportation, employer shuttle providers may be required by the city in which they are located to achieve a minimum percentage of alternative mode use rate by their employees.[13]

II. EXISTING CONDITIONS AND NEEDS ANALYSIS

STAKEHOLDER OUTREACH AND FIELD OBSERVATIONS

To assess current shuttle issues and conditions, Authority staff conducted initial data collection and extensive stakeholder outreach in representative locations. These activities centered on the two types of service that are the primary focus of the study:

The large motorcoaches utilized by some providers can take longer to board than Muni buses of the same size due to their single doors, high floors, and large size.

- Regional Employer Shuttles: Based on direction from the Authority Board, representative neighborhoods selected were the Marina, Glen Park, and Noe Valley.
- Local Employer/Downtown Circulator Shuttles: Representative transit hub locations included the Embarcadero Station area and the Caltrain Station at 4th and King streets..

STAKEHOLDER MEETINGS. Outreach for the study included interviews and meetings with shuttle providers including a consortium of large regional employers (Genentech, Apple, Yahoo!, and Google); local employers in the downtown area represented through the Embarcadero Task Force and Neighborhood Business Watch; shuttle operators Bauer and Compass; institutional providers (UCSF, Academy of Art University); local neighborhood associations including the Marina Community Association (MCA), Upper Noe Neighbors, and the Glen Park Association; and various SFMTA staff.

PROVIDERS AND OPERATORS. Regional employers provided extensive data about their San Francisco operations, including routes, stops, trips, and ridership. Data was provided by the four major regional employers (Genentech, Apple, Yahoo!, and Google) on an aggregate basis (to protect proprietary and privacy concerns). Routes operate during AM and PM peak periods from Monday to Friday. (An aggregate representation of routes, stops, and trips is included in Appendix B.) In addition, the regional employers provided aggregate responses to questions regarding their service and operations planning; reasons for service; funding; coordination; and other questions. This data indicated that, at the time of data collection, these four large employers were collectively transporting 2,000 employees per day from San Francisco to their respective campuses. Activity is particularly concentrated in Glen Park, Noe Valley, and along the Van Ness Avenue corridor; the employers have approximately 50 stops within the city. Vehicle types are split between large motorcoaches (with capacity for approximately 50 passengers) and van-type/smaller bus shuttles (with approximately 25-passenger capacity). Almost all vehicles operate bio-diesel (B20) engines.

Local employer operations in the downtown area in general were similar to those documented in the 2008 SFMTA survey. Their routes provide service from BART or Caltrain to respective employer locations, operating during AM and PM peak periods from Monday to Friday. The vehicles in use are all van-type/smaller bus shuttles (25-passenger capacity). A sample of detailed ridership figures was provided by Adobe, one of the larger employers in the group at the time of this report (1,000 employees in the San Francisco office on Townsend), to show the highest-point load factors for their Caltrain and BART shuttles. At the most congested times and points, loads peak at 54% for AM and 100% full for PM (for runs near 5:00 PM). However, peak period loads average between 18%–42% indicating that there is currently still additional capacity.

In addition to employers, there are a number of institutional shuttles operating in the downtown area and citywide. The largest of these include shuttles provided by: UCSF, the Academy of Art University (AAU), and various hospitals/medical institutions. The study team met with staff from the Academy of Art University (AAU), in response to a letter from the San Francisco Planning Commission expressing concern regarding duplicative service with Muni, low load factors, the number and location of curbside bus zones, vehicle idling, and vehicle storage.[14] AAU officials acknowledged having lower-than-desired load factors and the need to improve the emissions profile of their fleet. They are undertaking transportation planning studies as part of their overall master planning effort and are keen to work with the City to address these needs.

FIELD OBSERVATIONS. The study team made peak hour ob-

[12] http://www.sfexaminer.com/local/Shuttle-plugs-holes-in-Mission-Bay-transit-93164654.html

[13] CCIT, Privately-Provided Commuter Bus Service, March 2010. The example provided was Genentech which was required by the City of South San Francisco to achieve a 30 percent alternative mode use rate (which incorporates future projected growth). In conjunction with other TDM strategies and marketing, Genentech achieved a 35 percent alternative mode use rate.

[14] Planning Commission letter, November 2009.

servations of general shuttle activities in February and March 2009 at high use locations. Staff noted fairly smooth and orderly boarding activity and relatively few conflicts with Muni bus operations. Idling took up to 5 minutes at some locations. It was observed that the large motorcoaches could take longer to load and unload than Muni buses of the same size, due to their single doors, high floors and large size.

In March 2010, the study team conducted further fieldwork to investigate the extent of regional shuttle conflicts with transit services. Two locations were chosen, for both high shuttle activity and frequent Muni service: Van Ness Avenue at Pine Street, and 24th Street at Castro Street. Golden Gate Transit (GGT) also operates buses on Van Ness Avenue.[15] The study documented some additional impacts to transit and traffic including:

- two observed conflicts (where Muni buses were delayed) out of 30 observations at Van Ness and Pine;
- one conflict with a Muni bus out of 42 observations at 24th and Castro;
- four instances of shuttles blocking the outside mixed traffic lane due to the shuttle not pulling in entirely to the curb.

Field work also captured conflicts at Market near 8th Street and several instances of shuttles parking in red color curb zones along Market Street and in the South of Market area. These limited observations were not sufficient to reveal extensive conflicts at Muni bus zones. However, as discussed below, the frequency of public comment and complaints regarding bus zone conflicts (particularly along the 24th Street and 30th Street corridors) and traffic impacts associated with shuttle stop activity may indicate a more problematic situation than these limited data imply. A subsequent phase of study and evaluation, including more extensive data collection and analysis in partnership with shuttle providers, is necessary to inform the need for, and nature of, management strategies and physical improvements that should be initiated at specific locations or on a system-wide basis.

NEIGHBORHOOD ASSOCIATION MEETINGS AND SURVEYS. The study team attended community meetings in Upper Noe Valley (March and June 2009) and Glen Park (April 2009) to gather feedback from local residents. Community members, including from the Marina District, also submitted more detailed written comments in response to a request for input that was circulated in coordination with the neighborhood associations.

Opinions vary widely regarding shuttle operations, benefits, and impacts. Many residents (including non-shuttle riders) expressed support for shuttles, citing reduced auto usage by shuttle patrons and improved neighborhood parking availability; increased attractiveness of the city as a residential location (by facilitating a long commute); shuttle riders' patronage of local retail shops; and increased perceptions of safety associated with increased foot traffic. Many residents strongly raised concerns regarding the local impacts of shuttle operations, citing conflicts with Muni buses at stops, which may delay transit service and/or cause Muni passengers to alight away from the curb; the relative size of shuttles compared to the scale of local streets and sidewalks, leading to pavement wear and safety concerns for cyclists and pedestrians; and issues of noise, idling, and pollution. Marina residents were particularly concerned about parking spillover problems that ex-

[15] GGT operates public transit service with approximately 20 routes between San Francisco and Marin and Sonoma Counties. Overall throughout San Francisco, GGT shares approximately 80 bus stops with MTA.

TABLE 1 – HIGH-LEVEL SHUTTLE BENEFITS AND IMPACTS

	CATEGORY	MEASURE	PUBLIC	PRIVATE
Benefits				
(Broad in scope, highly regionalized)	Congestion	Vehicle Trips Avoided	X	
		Vehicle Miles Traveled (VMT) Avoided	X	
		Load Factor	X	
	Environmental	Emissions Reduced (CO_2)	X	
		Emissions Reduced (Non-CO_2 Emissions—ROG, NOx, PM)	X	
	Economic	Local Spending Induced	X	
		Employee Retention and Recruitment		X
		Productive Time Gained		X
		Accessibility		X
	Quality of Life	Car Ownership Reduced	X	X
		Leisure or Personal Time Gained		X
Impacts				
(More detailed Operations-level, localized)	Congestion	Displacement of other vehicles (cars, bikes) when parked or idling	X	X
		Displacement of Muni vehicles when parked or idling	X	
	Environmental	Emissions Produced (due to larger vehicle size, or when idling)	X	
	Quality of Life	Noise/Vibrations	X	X
	Safety	Unsafe sightlines if double parked or in Muni zone	X	
		Unsafe sightlines at certain locations if moving (e.g., turning corners)	X	X
		Collisions	X	X
	Pavement Condition	Wear and tear on pavement	X	
		Wear and tear on curb bulbs (e.g., turning corners)	X	

TABLE 2. TYPICAL SHUTTLE CHARACTERISTICS

	LENGTH	WIDTH	HEIGHT	WEIGHT	PASSENGER CAPACITY
Typical large motorcoach shuttle	40'+	8–8.5'	10'+	18–20 tons	45-50 passengers
Typical medium-size van shuttle	20–22'	6.5–8'	8'	7–8 tons	20-25 passengers

SOURCE: Inudstry interviews

acerbate already constrained parking conditions. Many residents suggested limiting shuttle operations to particular times of day or particular locations. Appendix D illustrates a summary of input regarding shuttle impacts that the study team received via community meetings and written/email comments.

COMMUNITY AND SHUTTLE PASSENGER SURVEYS. In addition to direct outreach at community meetings, Authority staff administered three email/mail surveys in coordination with the Marina Community Association, Upper Noe Neighbors, and the Glen Park Association in February and March 2009, in order to further our understanding of the range of shuttle benefits and concerns. These short surveys inquired about resident usage of shuttles (if any) and their perceptions of shuttles, including specific areas of concerns and/or benefit. A general online survey was also conducted to seek citywide input from the public. Over 600 responses were received from this round of outreach; feedback was generally more positive than the range of input provided during neighborhood outreach meetings. The majority (approximately 70%) of neighborhood survey respondents had positive views of shuttles, with the balance expressing mixed or negative views. (Input at neighborhood meetings was more evenly split.) Areas of concern varied somewhat by neighborhood. Noe residents expressed concerns most frequently regarding transit conflicts and noise, while Glen Park residents' top issues related to traffic impacts and the size of shuttle vehicles.

Many online shuttle survey respondents who were shuttle users said that the provision of shuttle services by their employer was key to their employment and residential location choice. Many respondents also felt that the shuttles have alleviated congestion and traffic in their neighborhoods. After the introduction of shuttle services, some residents noticed that parking on the street became easier and during the commute there were fewer cars on the road. They attributed this to the likelihood that some of the people riding the shuttle buses may have given up their cars or used vehicles much less frequently. Many respondents felt strongly about environmental protection issues and felt that shuttle service is environmentally beneficial.

Rider survey results indicate that 63% of regional shuttle passengers would otherwise have drive alone and thus avoid 327,000 vehicle round trips per year.

Further, some residents commented that pedestrian activity and community cohesion in their neighborhood had increased due to the presence of shuttle stops. Some respondents reported that small local businesses, such as coffee shops and clothing stores, also benefit from shuttle riders' foot traffic. Residents also suggested that shuttles could be limited to routes on main streets, which may also be used by transit vehicles, in order to minimize their impacts.

Top shuttle concerns expressed by respondents in the representative study areas and at neighborhood meetings included the following:

- Vehicle size. Concern that shuttles are visually obtrusive and have difficulty making turns due to their large size.
- Vehicle anonymity. Frustration that unlabeled buses make it difficult to report complaints.
- Congestion. Respondents felt that shuttles caused additional traffic (e.g. via park-and-ride or kiss-and-ride activity) and/or slowed existing traffic due to conflicts (e.g. double parking).
- Noise. Residents, especially those who live in highly residential areas, felt that shuttles are noisy.
- Pollution. Respondents were concerned about the pollutants that shuttles might emit while idling or traversing the neighborhood.
- Transit delays. Residents reported that they have seen shuttles double-park and load/unload in Muni stops.

Following the neighborhood outreach, a more detailed and targeted online survey was developed and administered in May 2009 with the help of the major regional employers to regional shuttle passengers to obtain rider information. The 15-question survey yielded over 1,000 responses from regional shuttle passengers divided among two large shuttle operators and among the four regional employer providers.[16] The survey questions inquired about reasons for shuttle usage, shuttle alternatives, car ownership, stop access modes and times, and economic impacts (through induced spending). Responses to the survey supported the analysis of shuttle benefits and impacts (see below section).

It should be noted that as this SAR was in process, shuttle usage grew rapidly. Google reports doubling its ridership in this period, and the Mission Bay Transportation Management Association's shuttle services grew from 4000 monthly riders at launch in May 2010 to four times this ridership a year later. During this same period there was not a significant increase in recorded public complaints.

BENEFITS AND IMPACTS

Authority staff assessed a range of benefits and impacts associated with the regional employer-sponsored shuttles in order to investigate the role and value of shuttles in the overall transportation system. The range of high-level benefits and impacts generated through public outreach is summarized in Table 1. These benefits and impacts may be considered as public or private benefits. The classification of benefits as public or private is for discus-

[16] The survey responses were found to be representative of the larger population of regional shuttle riders, based on a comparison of the geographic distribution of known boarding figures (reported by the regional employers) to the geographic distribution of survey responses by self-reported boarding locations.

sion/illustrative purposes only; these factors may be considered differently from the point of view of various stakeholders (shuttle passengers, neighborhood residents, employers, shuttle operators, and transit agencies). Certain areas of benefit or impact may be quantifiable in an objective fashion, while others may be only perceived or reported (i.e. dependent on stakeholder input).

ANALYSIS APPROACH. The study team assessed multiple areas of benefits and impact using data and information collected from passenger surveys, employer and stakeholder consulations, and qualitative input from public feedback. Emissions estimates were calculated using Bay Area Air Quality Management District (BAAQMD) guidelines. Where detailed vehicle data was not available or provided, Authority staff based estimates on assumptions as described below.

For the analysis below, it is useful to review some basic physical characteristics of typical shuttles currently in use in San Francisco as shown in Table 2.[17]

BENEFITS ANALYSIS. Benefits identified include the congestion, environmental, economic, and quality of life measures described below.

- *Efficiency (Load Factor):* Load factors (percentage of vehicle seats that are occupied during a typical trip) are an indication of operating efficiency. As a form of high-occupancy vehicles, shuttles compare positively against automobiles. However, having vehicle load factors which are consistently low may point to an opportunity to eliminate or consolidate that trip or route, or to perhaps use smaller vehicles.
  - » Load factors for regional shuttles were self-reported to range greatly from 20% to 70%. Lower ridership was generally reported in outlying routes or newer routes which have recently been established. Shuttle providers reported a general flexibility to their sevice, which allows adjustments to be made over time as demand shifts. Field observations at major transit hubs verified that vehicles are close to capacity at hub locations during peak periods. Stakeholder comments during outreach cited instances where vehicles are not at or near capacity.
  - » Load factors for local circulator shuttles were calculated from the detailed ridership figures of Adobe Systems for illustrative purposes. Load factors climb as high as 100% during some weekday peaks, but average between 18%–42% depending on seasonal factors. This indicates an opportunity exists to increase operating efficiencies.

Given time and resource constraints, more detailed benefit/impact analysis across areas other than load factor was conducted for regional shuttle operations only. The following findings relate to regional shuttle operations and not downtown circulator shuttles:

- *Vehicle Trips Avoided:* A shuttle passenger commuting to work may otherwise have chosen (or been limited to) driving alone to commute to work, if the shuttle were not available. The passenger survey found that 63% of regional shuttle passengers would otherwise have driven alone. The shuttle services provided by the group of major employers thus avoids 327,000 solo vehicle round trips per year. For comparison, the San Francisco Climate Action Plan calls for reducing 1.6 million intraregional solo vehicle round trips per year through employer-based programs: the shuttles surveyed represent 20% of the target for intraregional trip reduction from this category of strategies.[18] The "employer-based programs" category comprises approximately 3% of the overall targeted emissions reductions from transportation; other transportation action categories (such as improved transit, increased bicycling and walking, etc.) account for the remainder.

The regional shuttle programs surveyed reduce CO_2 emissions by approximately 8,000 to 9,500 tons per year compared to the scenario where some passengers would have driven instead.

- *Vehicle Miles Traveled (VMT) Avoided:* Congestion is also eased by the magnitude of trips that shuttle riders are avoiding, as generally long auto commute distances result in more pollution, more vehicles taking space on roadways, and more wear and tear on pavement. Multiplying the number of passengers by commute distances to their respective workplaces, the shuttle programs surveyed yield congestion benefits of 20 million VMT avoided per year.
- *CO_2 Emissions Reduced:* An important indicator of environmental benefit is the reduction in carbon dioxide (CO_2) emissions, as CO_2 is known to be one of the primary greenhouse gases responsible for climate change. Applying the BAAQMD methodology to survey data and fleet characteristics from the shuttle providers, and assuming the following: a range of years the vehicles were manufactured (from 1994 onward); a range of in-vehicle emissions control systems (categorized based on the percentage of particulate matter they filter, from 25% to 85% corresponding to various emissions levels verified by the California Air Resources Board); and the presence of a nitrous oxide filter following conversations with the shuttle operators regarding their green fleets;[19] the analysis indicates that the shuttle programs surveyed reduce CO_2 emissions by approximately 8,000 to 9,500 tons per year over the scenario where some passengers would have driven instead.
- *Non-CO_2 Emissions Reduced:* Other important components of vehicle exhaust emissions include nitrogen oxides (NOx), reactive organic gases (ROG), and particulate matter (PM). The analysis indicates that shuttle usage yields a reduction in non-CO_2 emissions ranging from 1 to 17 tons per year (compared to the case where passengers would have driven alone instead).
- *Local Spending Induced:* The presence of commuter shuttles

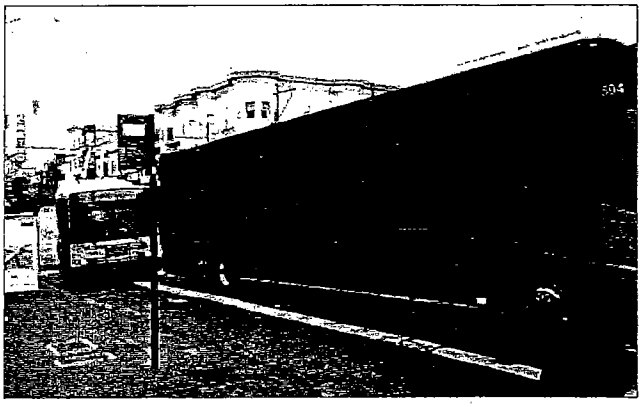
[17] Sources: Information drawn from the specifications of typical shuttle vehicles for example, by Ford Motor company. See: https://www.fleet.ford.com/showroom/specialty_vehicles/Qualified_Vehicle_Mod_Shuttle.asp

[18] SF DOE and SF PUC, *Climate Action Plan for San Francisco*, September 2004.

[19] Conversation with L. Baylor, Bauer, 9/28/09

in local neighborhoods may contribute to increased economic activity, due to passenger patronage of retail locations between their residence and shuttle stop, which they may not otherwise have patronized. Of the survey respondents, 63% report that they patronize shops, restaurants, or other business due to their route to/from the shuttle stop. This estimated total spending (as directed locally near shuttle stop locations) is valued at over $1.8 million per year.

- *Employee Recruitment and Retention:* Offering commuter shuttle service as a benefit was cited by the shuttle providing employers in interviews as a key component of their benefits package offered to existing employees and potential hires. Survey results indicate that 14% of employees would leave their current employment if the shuttle service were unavailable.
- *Productivity or Productive Time Gained:* Riding a shuttle may free time for doing work-related activities, if the shuttle is equipped with work-related amenities such as wireless connectivity. 92% of respondents indicated that they gain productive work time by riding the shuttle, which they reported totals at least 322,000 person-hours per year.
- *Accessibility:* 62% of survey respondents indicated that their decision to live at their current residence in San Francisco was influenced by the availability of the employee shuttle service. One respondent pointed out that proximity to shuttle service is used in real estate listings (which was confirmed by another respondent, a real estate broker himself). During outreach, a landlord stated that the proximity of his/her property to a shuttle stop was a deciding location factor for the past two tenants. Several other members of the public contend that shuttles are a nuisance and detract from house values.
- *Car Ownership Reduced:* 28% of survey respondents do not own personal vehicles; thus, the availability of the commuter shuttle may enable or at least further help employees to live without a car. Many employers maintain corporate partnerships with carsharing organizations such as Zipcar or Enterprise WeCar (through either on-site company vehicles, or supporting costs for personal memberships) to compliment the shuttle service and provide further mobility for those without cars. At least one employer also provides bicycles on site to provide mobility.
- *Leisure or Personal Time Gained:* Riding the shuttle may free time for personal activities (such as sleeping, personal emails)



or may reduce travel time compared to one's travel time driving alone, due to the High-Occupancy Vehicle (HOV) lanes available along the route. 86% of respondents said they gain personal time, which they reported totals at least 246,000 person-hours per year.

IMPACTS ANALYSIS. While benefits are widespread, impacts are localized. These impacts may be categorized as environmental impacts, safety impacts, pavement condition impacts, or quality of life impacts.

- *Emissions produced:* A large motorcoach would emit additional pollutants when operating, when compared to one automobile. However, as shown under the "Benefits" section using BAAQMD factors, the primary pollutants emitted by one motorcoach are overall less than those which may be emitted by the autos which that shuttle is now keeping off the roadway. Of the data collected, large motorcoaches were found to emit approximately 1,800 to 2,200 tons per year of CO_2, or 20% of the approximately 10,800 tons per year of CO_2 which would have been produced by the reduction in auto trips. A large motorcoach also emits pollutants while idling. Although idling was only infrequently observed by the study team during a limited number of field observations, cases of vehicle idling were frequently cited by members of the public and SFMTA service planning staff during outreach.
- *Noise/vibrations:* Input from outreach participants and survey respondents regarding noise and vibrations caused by large shuttles when operating or idling near their residences included comments such as: "The shuttles can be noisy, especially late at night when there isn't much other traffic or when they are the kind with diesel engines" and "Large coach shuttles

TABLE 3: VEHICLE GUIDELINES FOR SPECIFIC STREET CATEGORIES

CATEGORY	STREET TYPES	DESIGN VEHICLES	ACCOMMODATION VEHICLE
Local	Alley, neighborhood residential, local lanes of boulevard	Passenger car	SU-30
Pedestrian Activity	Neighborhood commercial, downtown commercial, downtown residential	SU-30	WB-40
Throughway	Commercial throughway, residential throughway, urban mixed use, parkway, through lanes of boulevard	SU-30	WB-40
Industrial	Industrial	WB-40	WB-50
Varies	Park edge, ceremonial	Varies	Varies

Source: SFMTA and SF Planning, Better Streets Plan (2010)

are noisy on small neighborhood streets." Other comments pointed out similar noise patterns caused by non-shuttle vehicles (such as Muni vehicles).

- *Conflicts with cars and bicycles when parked or idling:* In field-work, the study team observed some traffic impacts by parked or idling shuttles on traffic operations. Traffic impacts also occur when shuttles double park or do not pull in entirely to the curb during loading. Members of the public frequently expressed concern about shuttles blocking cars (for example on 30th Street between Noe Street and Sanchez Street[20]) and causing bicyclists to have to weave into traffic to avoid parked shuttles (for example on Market Street). SFMTA staff reported that problems at Glen Park eased following discussions with each employer/operator and follow-up actions.
- *Conflicts with Muni vehicles when loading or idling:* The large majority (approximately 90%) of shuttle stops occur at Muni bus zones; some stops and layovers also occur at non-Muni stop red-curb zones. SFMTA planning staff report this has been a general problem at several locations. This concern was echoed by both SFMTA field supervision staff and in resident outreach surveys and meetings. SFMTA staff noted that shuttle dwell times can be lengthy, even compared with Muni dwell times, due to the large size of motor coaches, their high floor configuration, and use of a single door for boarding and alighting. Dwell times were observed by the study team tended to be in the range of three to six minutes during peak times. SFMTA field staff also cited stress reported by Muni drivers if Muni boarding occurs outside of the Muni zone or at some distance from the curb due to the presence of a shuttle in the bus zone. Muni drivers are instructed not to pick up passengers outside the bus zone for safety reasons, yet passengers often insist on boarding or alighting in these areas. In limited field observations and studies, Authority staff witnessed only a few instances of shuttles blocking Muni vehicles in Muni zones. Some instances at Glen Park and on Van Ness Avenue, however, were significantly troublesome.[21] During the preparation of this SAR, SFMTA staff expanded a Muni bus zone at 8th and Market in response to over-crowded conditions and impacts to Muni service at that location. Staff also have heard continuing concerns about tour bus operations in the Chinatown/North Beach/Fisherman's Wharf area. As noted above, public comments and complaints frequently cited instances of shuttle/Muni bus conflicts at stops. This SAR recommends that SFMTA conduct a more comprehensive study to further quantify the extent of this impact and to inform development of operating guidance for shuttle providers.
- *Safety:* As noted above, many shuttles were observed to stop or layover at red curb zones, particularly in the south of Market area and even along upper Market Street. To the extent that red zones are kept clear for visibility purposes, this could present a safety hazard for other road users, especially pedestrians. In fact, many outreach comments related to perceived safety impacts of large shuttles blocking sightlines; for example if they were to block motorists from seeing pedestrians. Outreach comments included the following: "This is only a residential street and these buses are enormous" thus reflecting the disproportionate size of the vehicles compared to the neighborhood facilities. In addition, another respondent stated "People expect traffic and buses [on major arterials]; but not on the side roads where people walk their dogs and kids." Such concerns, raised repeatedly, further emphasize the issues associated with the large size of the vehicles. In the SAR's development, the shuttle providers self-reported their collisions to be zero. The study team examined publicly available collision data from the Federal Motor Carrier Safety Administration database (SafeStat) for the shuttle operators for the three year period of 2006–2008. No records were found in the carriers' safety records which could be attributed to shuttle-related collisions.[22]
- *Weight Restriction Violations:* The San Francisco Transportation Code restricts vehicles above certain weights from driving on pre-specified routes. A comparison of the current shuttle routes provided by selected private corporate shuttles, and the existing San Francisco weight restrictions (for 3-ton vehicles (Code 501b, 2008) and 9-ton vehicles (Code 501a)), identified six roadway segments where large shuttle motorcoaches weighing over 14 tons may be traversing these weight-restricted streets.
- *Wear and tear on curb bulbs:* Outreach comments included the mention of large shuttles on residential streets being too large and disproportionate to the streets particularly when trying to negotiate the narrow turns. The City currently designs corner sidewalk bulbs using standard guidelines and turn templates which incorporate the size of "design" vehicles (which should be able to comfortably make turns within the lanes provided) and "accommodation" vehicles (which may be able to make turns by straddling lanes or using adjacent lanes)[23] as shown in Table 3. These are also referenced in the San Francisco Better Streets Plan. A typical motorcoach would correspond to classification WB-40 (the number referencing the vehicle length of 40'). The suggested maximum size of

[20] The location in question was observed on 3/23/10 by the study team. The short segment on 30th Street between Noe Street and Harper Street (west of Sanchez Street) is very narrow and is impassable for cars when large vehicles (buses and trucks along with regional shuttles) travel on it; the SFMTA should consider a weight restriction at this location.

[21] A shuttle in the process of boarding passengers at Glen Park on Bosworth Street in a Muni zone blocked an incoming Muni bus, thus causing a conflict and even secondary queueing along Diamond Street where another Muni bus waited for both vehicles to move forward before proceeding onto Bosworth Street. On Van Ness Avenue, shuttles were observed to be partially pulled in to the Muni zone and partially stopped in the mixed traffic lane, causing traffic conflicts.

[22] http://ai.fmcsa.dot.gov/safestat/disclaimer.asp?RedirectedURL=/safestat/safestatmain.asp. Although records were found for three crashes reported between April 2007 and November 2008, it cannot be determined without more formal investigation whether these crashes involved commuter shuttle trips such as the ones under consideration in this report, or whether they occurred during the provision of other types of commercial transportation services.

[23] Conversation with J. Fleck, SFMTA, 10/28/09. New designs are always context specific, depending on the likelihood of large-vehicle traffic; however, older designs would not have accommodated the unforeseen size of large motorcoach-type shuttles.

BOX 1. UNION SQUARE TOUR BUS ZONE. In 2009, six tour companies led by Gray Line contributed funds for the Union Square zone which required the payment of standard SFMTA charges for a white zone longer than 66 feet ($1,460 at the time of application).[1] The establishment of the zone was subject to a review process consisting of a public hearing and then approval by the SFMTA Board. Ongoing SFMTA observations of this zone during the trial include: issues with tour bus volume spilling over outside the zone; bus parking over the designated 10 minutes and the difficulty of enforcement; large size of the buses; solicitation on the sidewalk; and, more tour companies entering the market during the trial period. This trial led to modifications to the design and allowed use of the westernmost portion of the zone in January 2010 to enhance safety. Some issues related to Central Subway construction activities still remain indicating a need for continued monitoring and management.[2] It should also be noted that the tour bus function is different from the shuttles function as tour buses may dwell for an extended period to attract more customers.

[1] http://www.sfmta.com/cms/pcurb/curbfees.htm#business

[2] Conversations and emails with J. Robbins, SFMTA

a vehicle on local residential streets is classification SU-30, which is smaller than a typical motorcoach. The suggested accommodation vehicle for a neighborhood commercial street or a local arterial ("residential throughway") is WB-40, corresponding to a typical 40' long motorcoach.

The benefit/impact analysis demonstrates that shuttles are providing a useful and beneficial service to many San Francisco residents and local and regional employers and institutions. Yet, significant concerns regarding shuttle-related impacts, particularly perceived local neighborhood impacts, warrant further analysis, data collections, and policy development (e.g. operating guidelines) as discussed below. Key findings from the regional shuttles benefit/impact assessment show that:

- Benefits are significant and widespread, particularly regional congestion and air quality benefits.
- Impacts are localized, with the major issues appearing to be related to visibility, use of Muni stops and red color curbs for loading/unloading and idling.
- There is evidence that motor coach vehicle size and weighting are not ideal for some streets.
- The public would benefit from a dedicated point of contact for inquiries and feedback.
- The extent of issues and growth of shuttles indicates long-term need for shuttle planning, coordination, and management.

More active and responsive management options should address curb usage issues and provide for improved communications and collaboration.

Conclusion: Shuttles play a valuable role in the overall San Francisco transportation system. More active and responsive management is needed and warranted in order to: address local impacts and neighborhood concerns; improve shuttle operations within the broader multimodal system; support transparency and certainty for both the public and providers; and encourage and support provision of shuttles to help meet transportation needs and support related policy goals.

III. POLICY ANALYSIS

This section investigates possible directions for planning and management approaches to retain, leverage, and grow shuttle benefits while fairly and more consistently mitigating or minimizing the impacts of shuttle operations.

REGIONAL EMPLOYER SHUTTLES

As described in Section II, while benefits of regional shuttles are significant, and progress has been made to improve their operations, some impacts remain. These impacts are generally highly localized, and typically relate to the size of the vehicle and the interaction of the vehicle with the rest of the transportation system, including Muni, motorists, cyclists, and pedestrians. More active and responsive management options should address curb usage issues (and coordination with parking policies/strategies) and provide for improved communications and collaboration:

CURB USAGE AND OTHER PARKING SOLUTIONS. The City's best opportunity to manage shuttle operations lies with the SFMTA's jurisdiction over curb zones (e.g. parking and bus stops). Research indicates that other cities are working through similar shuttle concerns and the allocation of scarce curb space (see Appendix C). A few possible approaches are discussed below:

- *Shared Stops.* The San Francisco Transportation Code states that the SFMTA must provide explicit permission for other vehicles to use Muni bus stops. Regional shuttles have been using Muni zones informally without such permission. In response to complaints by the public and enforcement action by SFMTA, shuttle providers initiated a pilot policy in May 2009 to reduce shuttle-Muni conflicts. Dubbed the "Muni First" approach, these safety-related and operational guidelines were developed by regional operators in good faith, but without the input of SFMTA planners and operators. While these guidelines appear to have been somewhat effective, and subsequent communications between SFMTA Parking Control Officers (PCOs) and shuttle providers have yielded good results, problems still remain. A more collaborative and comprehensive approach to development of the "Muni First" approach is warranted. Jointly-developed guidelines should cover all aspects of operations in San Francisco, to address questions such as, but not limited to: where and when to stop; minimum space requirements (including for multiple vehicles, as necessary); and locations/guidelines for vehicle layovers. SFMTA planners should determine the feasibility and desirability of stops shared with transit, with safe Muni operations taking top priority, using transparent technical criteria such as safety, number of routes served at a stop, route frequencies, and transit performance and reliability considerations. We note that any policy should be equitable and scalable to adapt and respond to the potential future entry of new providers to

Box 2. MUNI EMISSIONS NOISE AND IDLING. Currently, Muni strives to prioritize low-emission vehicles (such as electric trolley-coach and diesel hybrid) continuing towards the SFMTA goal of zero emissions by 2020. Muni's hybrid and trolley buses are up to 10 times quieter than conventional buses: hybrid vehicles operate at about 70–75 decibels (dBA).[1] Muni also does not allow its own vehicles to idle for longer than three minutes, which is less than the maximum of five minutes prescribed by the City's Transportation Code for privately owned motor coaches.[2]

[1] Conversation with T. Papandreou, SFMTA, 11/09/09

[2] San Francisco Transportation Code, SEC. 10.2.21.

the regional shuttle market. Development of these stop-level rules should be developed as part of a broader set of operating guidelines as discusses below in the Service Planning Criteria subsection.

- *Dedicated shuttle zones.* SFMTA currently operates its color curb program under which an entity may establish a curb zone following payment of applicable fees and a public approval process. The color curb program one-time application fees are based on the length of curb requested (about $28/linear foot). To make room for shuttle zones, passenger parking spaces could be converted on a part- or full-time basis, and foregone revenue could be replaced by shuttle sponsors or operators. To the extent that regional shuttles are more impactful than Muni vehicles due to weight, size or engine type, additional impact fees may also be warranted. Differential permitting or pricing for the purposes of demand management may also be warranted. These policies should be coordinated with the work currently in progress to more rationally and equitably manage scarce curb space. Chief among these efforts is the SFpark program, which is piloting demand-based variable pricing at meters to support parking availability in high demand areas. In addition, the City's parklet program is a public-private partnership model under which local business may establish an extended sidewalk area (e.g. for cafe seating provided by the business but open to the public) in the parking lane. The SFMTA has established an interim parklet fee of $1,220 primarily to recoup costs of planning, design, and parking meter removal. Future revisions to this policy may consider recovery of foregone parking meter revenue. Finally, establishment of new shuttle zones should be informed by the recent example of a six-month trial tour bus zone at Union Square which has not gone as smoothly as originally anticipated (see inset Box 1). A subsequent extension of the Muni zone on 8th Street (in the South of Market) appears to be working well; although SFMTA Staff report that shuttle operators using the new zone have balked at the suggestion that they should help pay for the $1,500 improvement.
- *Shared parking.* As is being considered by New York, shared parking may be a strategy to improve shuttle operations, particularly for layovers. This may be a solution involving private arrangements between shuttle operators and private

TABLE 4: BAY AREA SHUTTLE COORDINATION MODELS

TYPE OF MODEL	EXISTING SHUTTLE SERVICE PARTNERSHIP	DESCRIPTION	SERVICE PLANNING/OPERATION/FUNDING
Public-Private Partnership (Public Lead)	DASH (VTA's San Jose Downtown Area Shuttle)	Free circulator shuttle One-way loop to/from Caltrain's San Jose Diridon Station Ridership approx. 1000/day	**PLANNING:** VTA **FUNDING:** San Jose Downtown Association (from city or directly from employers) plus TFCA grant plus VTA
	Golden Gate Transit Club Bus	Commuter Shuttle from Marin and Sonoma counties to SF Approx. 30 pax to establish a "club" Each pax pays a monthly fee (comparable to current GGT fares)	**PLANNING:** Clubs **FUNDING:** GGT handles procurement, pays 30% of costs, and Contractor bills commuter club directly for remaining 70% • GGT provides service support (e.g. late service or breakdowns)—"middle person" • GGT leases old vehicles to contractor
Business Improvement District (Non-Profit Lead)	Emery Go Round	Free circulator shuttle 7 routes—various services to/from MacArthur BART, Amtrak Ridership approx. 3000/day Peak Frequency 10–12 min	**PLANNING:** Emeryville TMA **FUNDING:** Originally Caltrans grant plus employers, then became fully privately funded based on property square footage
Public-Private Partnership (Non-Profit Lead)	Peninsula Traffic Congestion Relief Alliance	Various pass/free shuttles (24 vehicles, 7 cities)	**PLANNING:** Alliance **FUNDING:** (various models) • 50% congestion relief funding plus 50% local match (from city or directly from employers) • 75% Samtrans/Caltrain plus 25% local match from employers

Source: SFCTA

owners of parking or potentially a public-private solution. For example, where capacity exists, SFMTA could share its own terminal facilities or yards with regional shuttles during daytime hours when Muni buses are operating their routes. Bus loop facilities at the Glen Park BART Station present an interesting opportunity for allowing cooperating shuttles to use excess capacity, easing competition for space between Muni buses, shuttles, and kiss-and-ride trips on Diamond and Bosworth streets.

REGULAR COMMUNICATIONS AND COLLABORATION. Aside from curb space management, shuttle operations can be managed through enforcement by the SFPD traffic detail or through weight restrictions on various streets. Neither approach is ideal, however, due to the reliance on manual enforcement. A preferred method of engagement is the collaboration model as practiced in Seattle by the Seattle Department of Transportation (DOT) and Microsoft. From the inception of its shuttle program in 2007, Microsoft collaborated closely with various transportation agencies (including Seattle DOT and Metro Transit) to plan routes and stops for their regional service, including the designation of shuttle zones.

This collaboration model is ideal for San Francisco, as a means to build upon and streamline the already improved communications between SFMTA and the regional shuttle sponsors. In taking the lead on setting operating standards and guidelines, SFMTA should focus on two areas in particular.

Service Planning Criteria. Based on a study of operations at Muni bus zones and extent of shuttle/bus conflicts, SFMTA should set service planning criteria or guidelines, working collaboratively with shuttle sponsors to re-draft the Muni First Shuttle Policy, which was first developed by shuttle sponsors themselves without consultation with SFMTA planners. The guidelines should address use of stops (who may use, when, for how long, and under what terms—e.g. display of unique identifier number), street restrictions (through weight restriction policies), and other operating rules (e.g. layovers). Development of these guidelines should be led by SFMTA professional planners and transportation engineers and be consistent with, and deferential to, regular Muni service planning policies. In some cases, it may be possible for shuttles to share bus zones with Muni (due to less frequent Muni service), while in other cases, it may be necessary to change the routing, to develop a new stop, or to extend an existing stop to create a shuttle zone, or find alternative (potentially shared) parking or layover areas. Operations in accordance with these criteria could be supported on an ongoing basis through a Muni Partners capacity at the SFMTA as discussed below, with inappropriate operations being reportable and enforceable via ticketing by the Police Department and/or Parking Control Officers.

Vehicle and Emissions Thresholds. Working with the shuttle sponsors and operators, SFMTA should set vehicle operating size and emissions guidelines, which would become standards over time. Shuttles should be operated safely at all times, be of a size that is able to comply with traffic standards (i.e. turning radii), and be generally no more impactful than Muni vehicles in terms of noise, vibration, and idling (see inset Box 2). The California Center for Innovative Transportation (CCIT) released a report in March 2010 entitled "Privately-Provided Commuter Bus Services", which, assisted by inputs from this SAR process, examines the role of regional shuttles within the San Francisco Bay Area transportation network. The CCIT recommendations are in line with the potential management options listed above, to provide guidelines for transit agencies, and local, regional, and federal agencies and to help facilitate communication and coordination between the public and private sectors as the regional private shuttle sector continues to grow. (The CCIT report examined categories of regional shuttle transportation, including employer-based—similar to the regional shuttles discussed in this SAR—fee-based, and partnership-based.[24]

LOCAL EMPLOYER SHUTTLE/ CIRCULATOR CONSOLIDATION

Several employers and institutions in the downtown area have been meeting informally through various groups (two examples include Neighborhood Business Watch and the Embarcadero Task Force led by SFMTA) to discuss transportation issues and possible collaboration opportunities.

The concept of consolidation of South of Market (SoMa) shuttles was originally supported by the results of SFMTA's 2008 shuttle inventory, which found that, at the time, there were more than 11 private business shuttle systems operating in the area, in many cases providing redundant service. Based on the study team's conversations with SoMa employers, these redundancies still exist. Employers provided additional details regarding their shuttle consolidation request in July 2009, citing the "need to consolidate the many employer provided shuttles in the Townsend/Business area...to consolidate resources and provide more service to companies and small businesses in the area" and explaining that the employers cannot move forward with shuttle consolidation on their own, as "there is risk associated with being the lead employer" especially pertaining to service and insurance requirements. Member companies are willing to pay for the service. Current average operating costs for a 25-passenger shuttle bus range from approximately $100,000 to $170,000 per year.[25] Low load factors also show that there are opportunities to increase operating efficiency. Two employers, Adobe and Advent, have already begun to share operations, but there are barriers to further consolidating shuttles due to the complexity of negotiating service parameters, cost-sharing, new entrants, and governance among several firms. For this reason, in other areas, companies tend to create new enti-

The potential benefits of consolidation are clear: improved efficiency; lower administrative burden; and lower cost. However, the possible trade-offs for firms and passengers cannot be overlooked.

[24] CCIT, *Privately-Provided Commuter Bus Service,* March 2010. An example of a fee-based shuttle in the Bay Area is Bauer's Wi-Drive, a higher-end luxury coach with current fares from $5.00 to $10.00. An example of a partnership-based shuttle in the Bay Area is Golden Gate Transit's Club Bus, described further under the Bay Area Models section of this SAR.

[25] Approximate operating costs as provided by NBW, 4/8/09, and as cited in MTA inventory from 4/29/08.

ties to handle the transition from individual service contracts to a shared contract among many employers.

The study team hosted a meeting with downtown shuttle providers, to discuss shuttle operations and the potential for consolidation of service.[26] Attendees conveyed the need for last-mile service between transit hubs and workplaces due to: inadequate public transit service levels, over-crowded public transit lines (e.g., F-line), and a negative perception of security. The shuttle providers expressed interest in identifying and establishing partnerships to help fill service gaps and reiterated the need for continuous interface with the appropriate City agencies for guidance on stops and routes. This was especially true for those shuttle sponsors who are mandated to provide service; these stakeholders complained that the City requires shuttle services but does not provide adequate coordination and support for providers regarding operations.

Regarding consolidation, the group expressed interest in this idea, but was interested in taking a measured approach. Private consolidation is not necessarily straightforward financially, due to liability issues (sharing insurance which covers all combinations of passengers from different employers) and due to possible upfront costs in procuring vehicles. The prospect of public participation could also change the service into an open one, negating some perceived benefits of having a "closed" system (e.g. security). In addition, public access could potentially overwhelm the service and otherwise affect employee demand.

BAY AREA MODELS: COORDINATION OF OPERATIONS AND FUNDING MECHANISMS

There currently exist several models in the Bay Area where multiple shuttle providers coordinated resources to provide a circulator shuttle service. These are summarized in Table 4.

In many respects, the desire on the part of downtown employers to consolidate employee shuttles is similar to that of businesses which form a Business Improvement District (BID) to pay for mutually beneficial shared services, such as lighting and maintenance. The potential benefits of consolidation are clear: improved efficiency (higher load factors); lower administrative burden; and lower cost. However, the possible trade-offs for firms and passengers cannot be overlooked.

As noted above, firms must agree on cost-sharing, service planning, governance, and how to integrate newcomers to the group contract. Employee passengers, accustomed to direct hub-to-door service, may experience longer trip times due to the need for more circuitous routes and/or longer walk times. As has been noted by SFMTA service planning staff, because of the premium characteristics of the current service, the further risk is that any degradation of service would result in an impact to this "fragile market" of non-automobile travelers. Service planning therefore must be done carefully, in order to minimize impacts to existing riders, while yielding efficiency benefits overall.

Technical assistance, in the form of professional service planning, may be obtained from transit planning consultants but is best provided and/or coordinated by SFMTA staff. Whether SFMTA serves as the primary service planner or whether its role is to coordinate with a transit planning consultant, SFMTA's participation should be compensated in order to ensure the assignment of dedicated staff capacity to this effort. Under this scenario, because operations funding is provided solely by the current employers, the service remains closed to employees of the sponsoring firms.

MIGRATION OF SERVICES FROM PRIVATE TO PUBLIC FUNDING AND ACCESS

If there is a desire to move beyond the provision of a "closed" service to one that is "open" to the public, and assuming the availability of funding as well as market demand, several public/private partnership models exist:

1. SFMTA could directly produce the new service, or
2. SFMTA (or another agency such as the Authority or a new non-profit organization) could procure the service by contracting with a third-party operator, similar to SFMTA's paratransit service, which is produced by unionized labor.

Key considerations for this choice are the cost and cost-effectiveness of each option, and the availability of funding for the service. Given SFMTA's current operating deficit, it is not likely that the agency will be able to expand its services in the near future without external funding. Thus, the SFMTA would need private and/or private and public grant funds to provide the desired, newly consolidated transit service.

Even if the cost savings from consolidation were fully needed to pay for SFMTA's role, the arrangement may still be beneficial to the present employers from an administrative burden perspective. In this "public/private" scenario, it may be advisable or necessary to establish a non-profit corporation with membership that includes SFMTA, the employers, and any other funding partner (see PTCRA and LINKS examples in Table 4).

Another example of public/private partnership may be illustrated by the model followed by the Golden Gate Transit (GGT) "Club Bus" service, a subscription based commuter van service, underwritten by GGT. In addition to regularly scheduled bus service, GGT also operates this shuttle service (the Club Bus), which is a subscription-based commuter club. A minimum of 30 passengers would be required to establish a "club", with each passenger paying a monthly fee comparable to current GGT fares. GGT handles procurement of services to a third party contractor, and pays 30% of the costs. The contractor bills the commuter clubs directly for the remaining 70% of costs. In this arrangement GGT provides service support (for example, in the case of breakdowns). GGT also leases old GGT vehicles to the contractor.[27] Club Bus operates approximately four trips each direction per day, using full-size (40') buses, including three trips serving UCSF and one trip serving the Financial District/downtown area, with a total daily Club Bus ridership of approximately 200 passengers.[28]

The prospect of migration of private shuttle services to public management or public/private provision is both intriguing

[26] Stakeholder meeting on 4/14/10 hosted by SFCTA, including 11 different providers and operators, Mayor's Office of Economic and Workforce Development (OEWD) and SFMTA.

[27] Comment Letter from Golden Gate Transit dated 3/23/10, and conversation with D. Davenport, 2/25/10

[28] Ibid.

and complex. The case for public investment would need to be made through more market research about existing shuttle riders' preferences, as well as potential future new demand. Funding and governance roles would also need to be defined through a new regulatory and "mobility management" role that could arbitrate between direct public production of transit services and provision of publicly and privately produced services. If ultimately deemed desirable, a public/private partnership model would signal a potential new approach to augmenting traditional transit in special markets which could eventually include other parts of the city where service gaps exist.

IV. RECOMMENDATIONS AND NEXT STEPS

In order to better manage shuttle operations and integrate them into the city's transportation system, we recommend the following:

ESTABLISH A "MUNI PARTNERS" PROGRAM AT SFMTA. As a foundation for cooperation and coordination between shuttle providers and City agencies, and to provide a central point of contact for the public regarding shuttle operations, SFMTA should create a "Muni Partners" Program. The program would encourage shuttle operators to register and obtain certification from SFMTA as member participants in the program. The program would formalize and streamline coordination between the shuttle industry and SFMTA and would also provide a mechanism for improved transparency, and more regular monitoring.

In administering the Muni Partners Program, the SFMTA would undertake the following activities to better coordinate, manage, and grow the shuttle sector:

- set clear policy objectives and requirements to ensure safe shuttle operations, complementary shuttle interactions with transit and other road users, and policy integration with other agency and citywide initiatives;
- provide clear operating guidance to existing shuttle operators to improve certainty in operations and minimize citation risk
- work with potential new entrants to the shuttle market to foster development of the shuttle sector in support of broader transportation sector goals (e.g. congestion management);
- create needed facilities to accommodate existing shuttles (and consider shared use of existing or future facilities) and provide for managed growth of the sector;
- improve the system of enforcement, including how to identify and report non-compliant activity;
- maintain a staff capacity to respond to public inquiries and complaints;
- conduct monitoring to evaluate program effectiveness and support sector planning (including working with Planning Department staff on the opportunity to relieve development projects of operating currently mandated services where resources could be better deployed to supporting Muni operations and/or shared or consolidated shuttle services);
- coordinate within SFMTA and with the San Francisco Police Department and Planning Department on shuttle TDM policy, operations issues (e.g. coordination with transit service planning staff), and enforcement procedures and activities
- assess program sustainability needs and issues, including staffing and funding requirements; and
- address similar issues that exist with other state-licensed passenger vehicles, such as tour buses.

The above program components would enable SFMTA to respond to service coordination needs and public concerns benefitting all parties. For example, SFMTA planners and shuttle operators should collaborate on a Muni-first policy that reflects service guidelines that SFMTA would develop, taking into account Muni operational needs and public input. Cooperating shuttle service providers could display a Muni Partners logo on their vehicle or in their window, which would indicate that they have actively coordinated directly with the City in planning their operations. A unique vehicle identifier and contact information for the Muni Partners Program would be clearly visible. This would allow a formalized point of coordination and contact for both providers/operators and members of the public.

The program should be supported, at least in part, by a fee structure for member organizations. At a minimum this would provide for cost recovery of the program in a manner consistent with other SFMTA curb management and facility fees. It is anticipated that fees would be charged to shuttle operators, and that these transportation service providers would, in turn, have the option to pass on the charge to their customers (employers, other organizations that contract for shuttle services). Non-participating shuttle operators could be subject to additional enforcement actions at Muni/shuttle stops and red zones and would not be eligible for program benefits such as shared stops, planning support and coordination, etc.

In order to help launch the Muni Partners Program, the Authority and SFMTA, in cooperation with other City agencies, applied in 2010 for a grant from the Metropolitan Transportation Commission's Bay Area Climate Initiative (BACI) to undertake the Integrated TDM Partnership Project. The Authority was awarded the grant in late 2010. Development of the Muni Partners Program in the initial stages through a grant-funded approach will allow the City to demonstrate program need and effectiveness. This program's pilot period will include more detailed analysis and data collection regarding shuttle operations than was possible within the scope of this SAR. This work will inform the development of clear operating guidelines and requirements for the shuttles sector. Importantly, during the pilot period there will be an assessment of how to cover the costs of the program following the approximately 18-month grant period, including whether and how to charge a fee to members and what fee level is appropriate..

DESIGNATED SHUTTLES COORDINATOR. The SFMTA point of contact (TDM Project Manager) will lead the activities described above, and additionally work to integrate the Muni Partners Program with related TDM policy initiatives at the SFMTA and citywide. One of the key roles of this staff position, to be initially funded, in part, through the BACI grant, will be to conduct

ongoing outreach and analysis to develop and then periodically update the structure for program membership fees (and fines, if necessary), in order to ensure fairness, a nexus with benefits to program members, alignment with policy objectives, and sustainability of the program.

It is anticipated that the majority of effort will be needed up front to research shuttle and transit/traffic operations conflicts and establish shuttle facility needs, as well as to work collaboratively with industry stakeholders, other agencies, and the public to develop program features, benefits, and fee structures. Thereafter, a maintenance level of effort will likely be needed to continue tracking and monitoring sector activities and respond to public inquiries, as well as to undertake planning efforts to grow the program appropriately in concert with larger agency and citywide TDM initiatives.

SHUTTLE CONSOLIDATION

As described above, the present proliferation of downtown circulator shuttles plays a beneficial role to the transportation system, but these services could be consolidated to achieve better operating efficiencies. With the establishment of the Muni Partners program, the SFMTA, other City agencies, and the Authority will have the opportunity to work closely with downtown shuttle sponsors and operators to investigate the feasibility of establishing a "virtual" Transportation Management Association (TMA) among interested shuttle sponsors, which could facilitate shared or consolidated shuttle operations among existing private providers. The TMA could also partner with other TMAs and/or the City via a public-private non-profit organization that fosters shuttles and other TDM strategies. The TDM Partnership Project includes grant funds to help major employers and institutions explore the governance, business, and legal parameters for these options and additionally provides resources for City agencies to develop efficient and effective ways to partner with a network of TMAs. One key policy issue for the public sector that will require careful consideration is any proposal for Muni to take over privately operated shuttles. Such a transition from a privately-funded, closed system to one that involves public funding for operations (and is open to the public) would represent a major public policy initiative requiring careful and complete vetting. Many jurisdictions look to public-private models as options to expand provision of shared ride services during periods of funding contraction, to serve markets that are otherwise difficult to serve, and/or as a means of piloting reforms. The Authority's subsequent Strategic Analysis Report on Alternative Transit Service Delivery Options is exploring these larger sector regulation and mobility management topics.

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Idling Vehicle Emissions (US EPA)

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Privately-Provided Commuter Bus Services (California Center for Innovative Transportation), 2010

San Francisco Climate Action Plan (SFDOE and SFPUC), 2004

ACKNOWLEDGEMENTS

The Authority is indebted to a number of individuals who helped make this SAR possible. Tilly Chang (Deputy Director for Planning) oversaw the study and guided the preparation of the report. Margaret Cortes (Senior Transportation Planner) assisted with project management and led the field work, research, and writing of the report. Zabe Bent (Principal Transportation Planner) and Jesse Koehler (Transportation Planner) provided major editing support for the report. Report design by Bridget Smith (Senior Graphic Designer). Jessica ter Schure (Nelson\Nygaard Associates) provided extensive assistance on behalf of the regional shuttle employers. Michael McLean (McLean Consulting) provided assistance on behalf of the local circulator shuttle employers. Paul Supawanich (Intern) administered the passenger survey and provided outreach and field support. Dorina Pojani (Intern), Jamie Henson (Senior Intern), Taylor Reiss (Intern), Lucas Woodward (Intern), and Colin Dentel-Post (Intern) performed data collection, data analysis and field observations.

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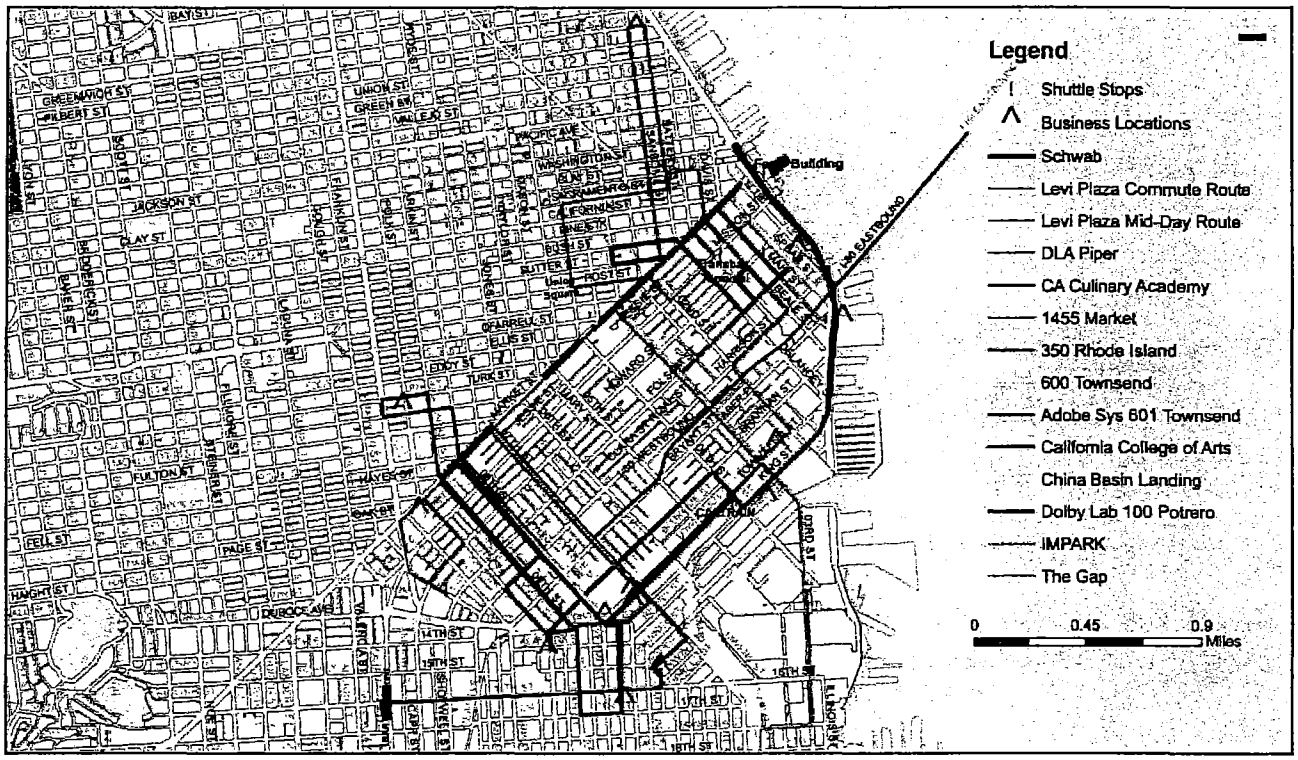
APPENDIX A. SOUTH OF MARKET AND FINANCIAL DISTRICT SHUTTLE PROGRAMS (MTA INVENTORY)

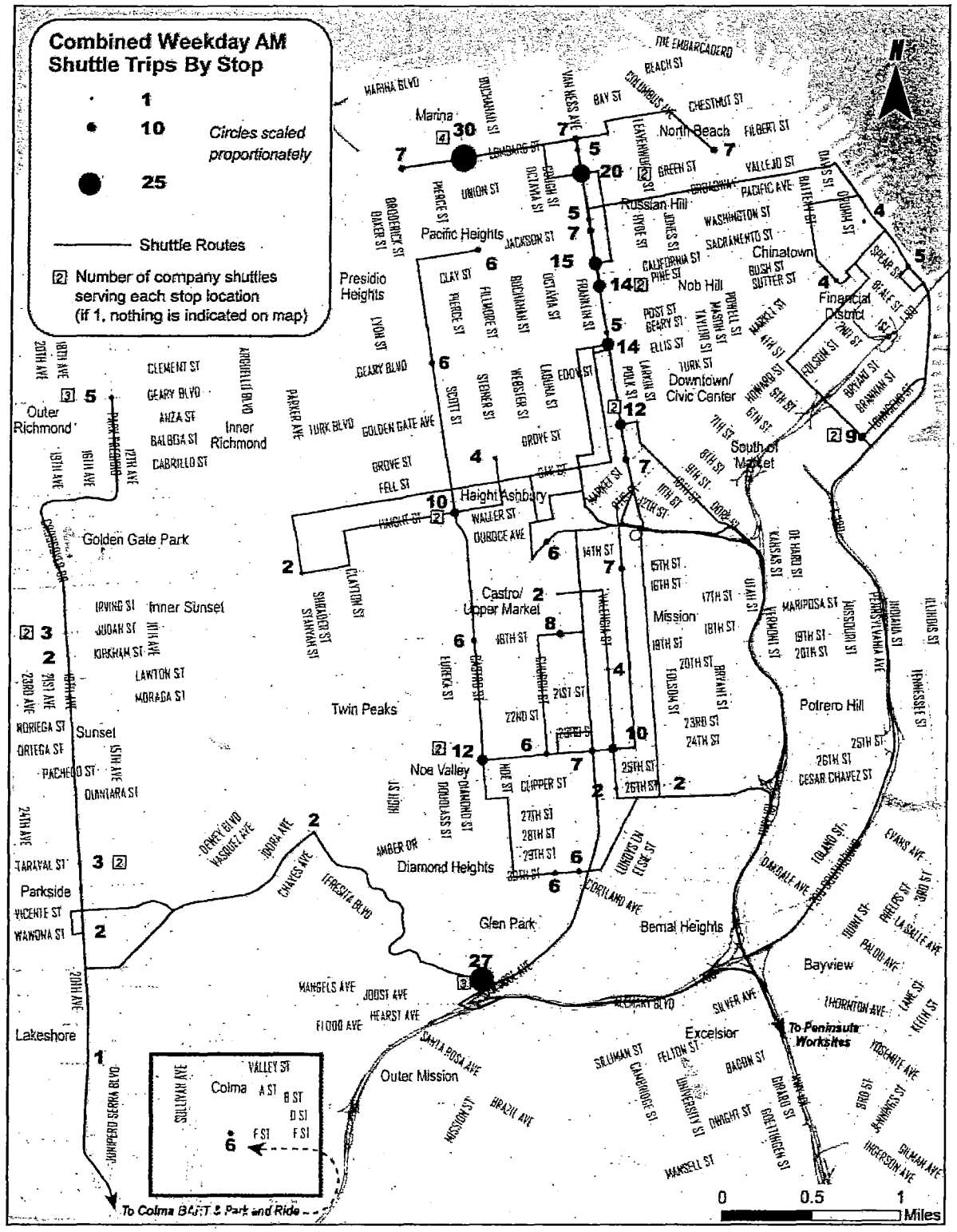


SFMTA | Municipal Transportation Agency

The City and County of San Francisco does not guarantee the accuracy or completeness of any information in this map.

SOURCE: SFMTA (2008)

APPENDIX B. PENINSULA EMPLOYEE SHUTTLES | SAN FRANCISCO TRIPS (DATA FROM GENENTECH, APPLE, YAHOO!, AND GOOGLE, WINTER 2009)



SOURCE: Nelson/Nygaard Associates and Regional Employers (2009); GIS Data Source: SFGIS
NOTE: Shuttle routes may not be exact

NELSON NYGAARD

APPENDIX C. U.S. SHUTTLE COORDINATION MODELS

The City of Seattle currently operates separate shuttle zones throughout the city for which shuttle operators pay a permit-per-vehicle fee. The shuttle landscape in Seattle is similar to that of San Francisco in various ways. There are regional shuttles which serve residential neighborhoods, transporting passengers outside the city. These shuttles belong primarily to the region's largest employer, Microsoft Corporation, and shuttle services transport over 3,000 passengers each day to the Redmond campus (about 20 miles outside Seattle). The fleet consists of both large motor coaches (45'–50' in length, with a capacity of 50+ passengers) and smaller vans (25'–30' in length, with a capacity of 25+ passengers).[1] Curb space is specifically allocated for shuttle use in consultation with the employers providing the shuttle services. The cost of the program is a flat rate of $300 per year per vehicle. Currently approximately 50 shuttle vehicles per year are issued these one-year permits. The violation fee for non-shuttle vehicles stopping in the shuttle zone is $40. Program revenue only covers the cost of administration.[2] Non-permitted shuttles continue to use other curb space throughout the city.[3] Thus far the program is considered effective.

Both Washington, DC and New York have also been investigating better ways to address shuttle use of curb space. In Washington DC, regional commuter shuttles have tended to linger after dropping off passengers, taking up valuable curb and parking space. Although fines can be issued to those in violation of parking regulations, DDOT is investigating more formalized regulatory treatment of shuttle issues through a permitting or pricing scheme.

DDOT is also working to identify appropriate parking locations for shuttles and intercity buses and to consolidate stops. At the moment, a heavily used stop is Union Station, which is a quasi-public entity. DDOT is working with Union Station to facilitate the leasing of its property to shuttles for parking use.[4] SFMTA has similarly suggested identification and pre-approval of suitable layover locations for shuttles in San Francisco.[5]

New York City DOT also started studying issues related to shuttles due to the loss of shuttle layover locations. While they are also looking into curb management and transportation demand management through pricing strategies, they are also investigating parking sharing, to encourage businesses such as FedEx and UPS to share their lots with shuttles and buses during commute hours.[6] San Francisco might similarly have opportunity to seek shared parking opportunities for both stops and layovers in neighborhoods.

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1 Conversations with: B. Bryant, SDOT, 6/3/09, L. Frosch of Microsoft, 6/5/09

2 Conversation with B. Lindsey of SDOT, 11/4/09, http://www.seattle.gov/transportation/parking/shuttlepermits.htm

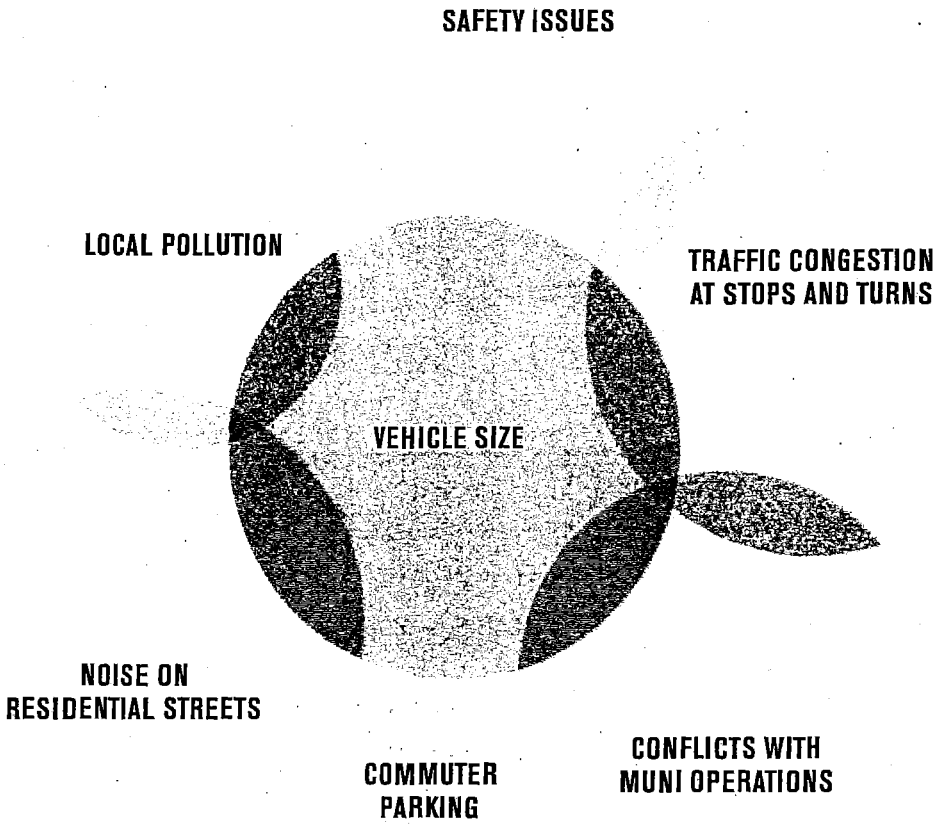
3 http://www.seattle.gov/transportation/parking/parkingcurb.htm

4 Conversation with E. Cleckley, DDOT, 10/01/09

5 Conversation with J. Kirschbaum, SFMTA, 11/06/09

6 Conversation with S. Sanagavarapu, NYCDOT, 10/06/09

APPENDIX D. SHUTTLE CONCERNS IN SAN FRANCISCO NEIGHBORHOODS



Source: 2009 survey of residents in the Marina, Noe Valley, and Glen Park, and comments received from the public

EXHIBIT L

Stamen

The City from the Valley (2012)

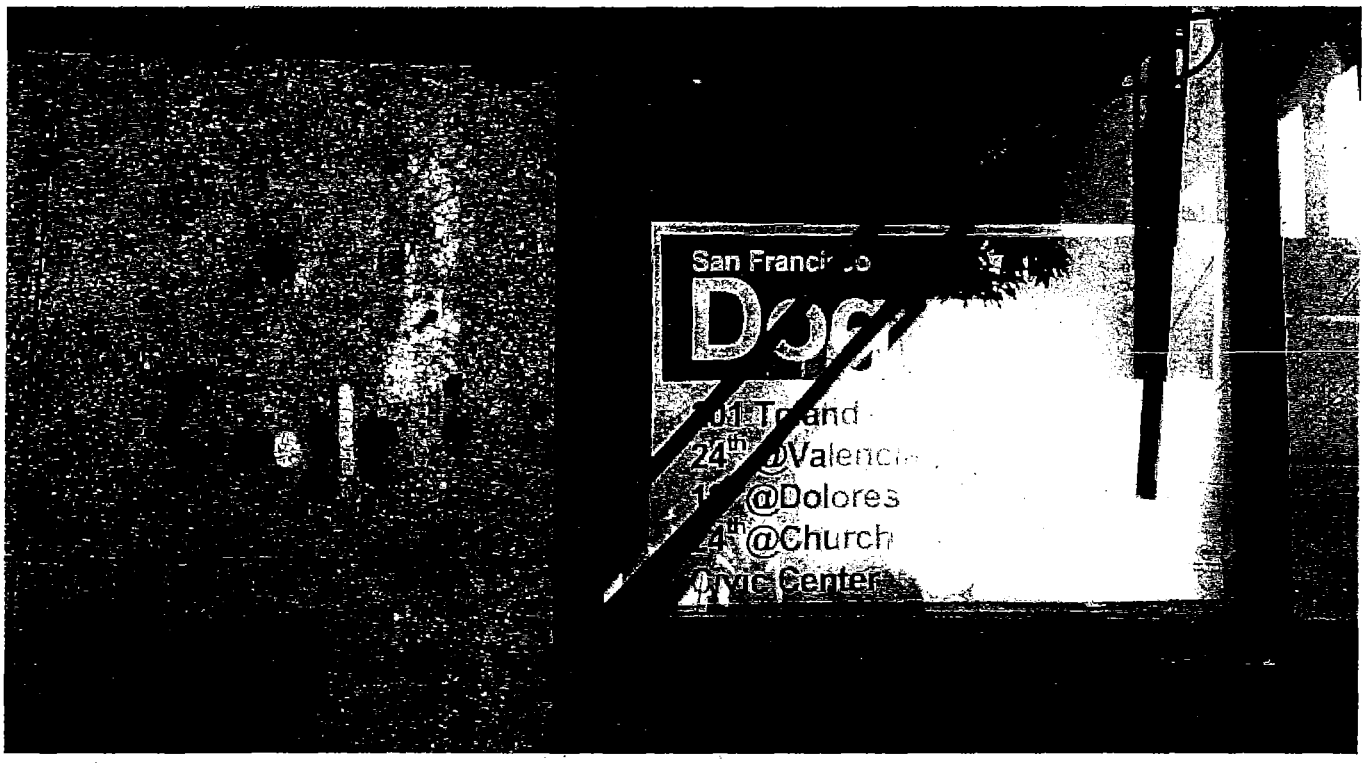
Commissioned by ZERO1 and presented with the support of the James Irvine Foundation.

Fundamental shifts are underway in the relationship between San Francisco and Silicon Valley.

Historically, workers have lived in residential suburbs while commuting to work in the city. For Silicon Valley, however, the situation is reversed: many of the largest technology companies are based in suburbs, but look to recruit younger knowledge workers who are more likely to dwell in the city.

An **alternate transportation network** of private buses—fully equipped with wifi—thus threads daily through San Francisco, picking up workers at **unmarked bus stops** (though many coexist in digital space), carrying them southward via the commuter lanes of the 101 and 280 freeways, and eventually delivers them to their campuses.

What does this flow tell us about Silicon Valley, and the City it feeds?



A core component of Stamen Design's practice is focused on harnessing data to visualize flows—flows of taxicabs carrying passengers throughout the city of San Francisco in (2006), flows of crime reports in Oakland in (2007), and in the case of *The City from the Valley* (2012), the flows of tech

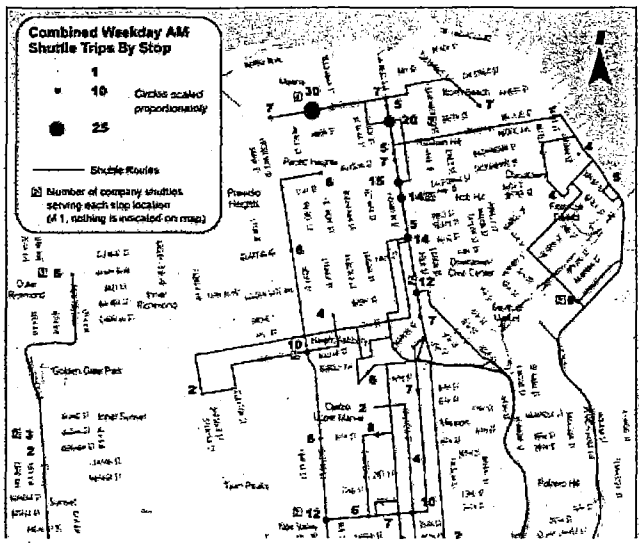
Several Stamen staff live on Google shuttle routes, so we see those shuttles every day. They're ubiquitous in San Francisco, but the scale and shape of the network is invisible.

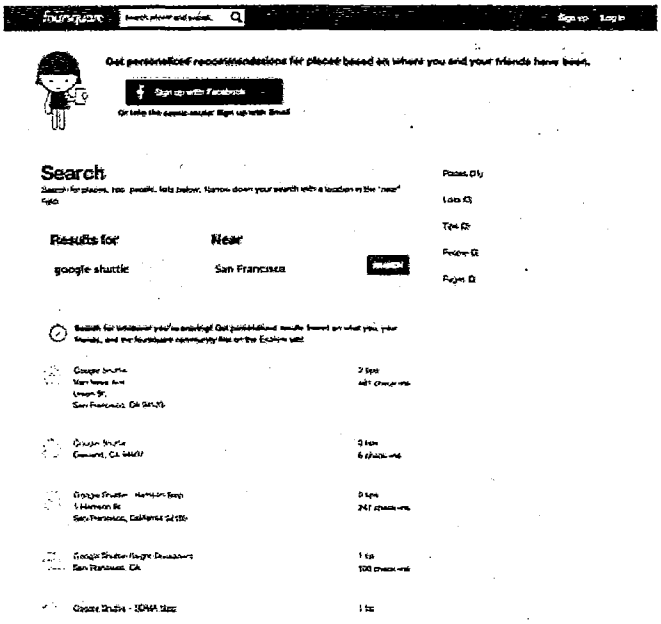
We decided to try some dedicated observation. We sat

workers to, from, and within a region known for flux and dynamism.

at 18th & Dolores one morning, and counted shuttles. We counted a new shuttle every five minutes or so; several different companies, high frequency. We also researched online sources like Foursquare to look for shuttle movements, and a 2011 San Francisco city report helped fill in gaps and establish basic routes.

APPENDIX B. PENINSULA EMPLOYEE SHUTTLES | SAN FRANCISCO TRIPS (DATA FROM GENENTECH, APPLE, YAHOO!, AND GOOGLE, WINTER 2009)

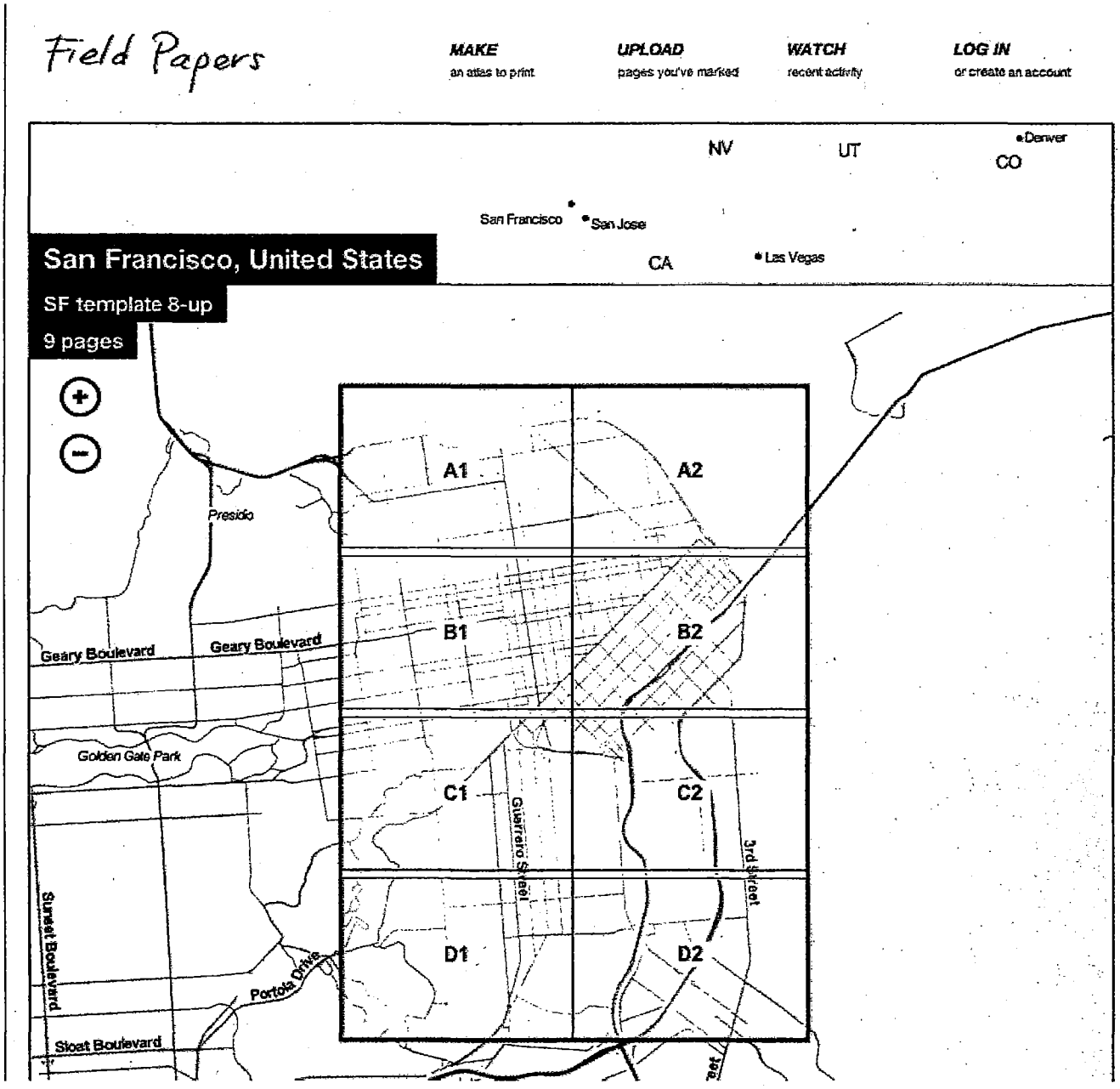


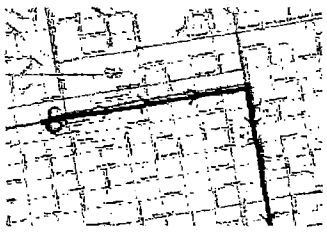


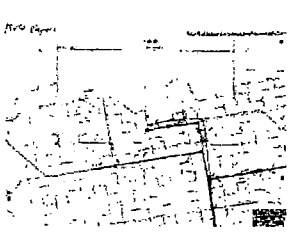
We were able to create a map of the various shuttle stops around the city using our site.

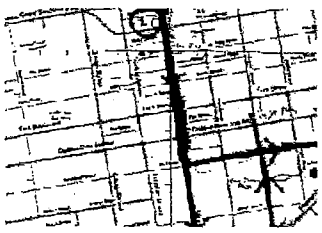

Bay Street
Fort Mason
San Francisco National Cemetery
Presidio
Pine Street
Bush Street
Geary Boulevard
Turk Boulevard
Golden Gate Avenue
Fulton Street
Fell Street
Oak Street
Buena Vista Park
16th Street
3rd Street
Guerrero Street
Mission Street
South Van Ness Avenue
Potrero Avenue
Bernal Hill Park
Portola Drive
Glen Canyon Park
San Jose Avenue
Monterey Boulevard
Alemany Boulevard
Silver Avenue
Ocean Avenue
Geneva Avenue
John McLaren Park
Bayview Hill Park
Bayshore Boulevard
19th Avenue
Junipero Serra Boulevard
Brotherhood Way
San Francisco Golf Course
The Embarcadero
Howard Street
Folsom Street
7th Street
8th Street
9th Street
10th Street
2nd Street
Lincoln Way

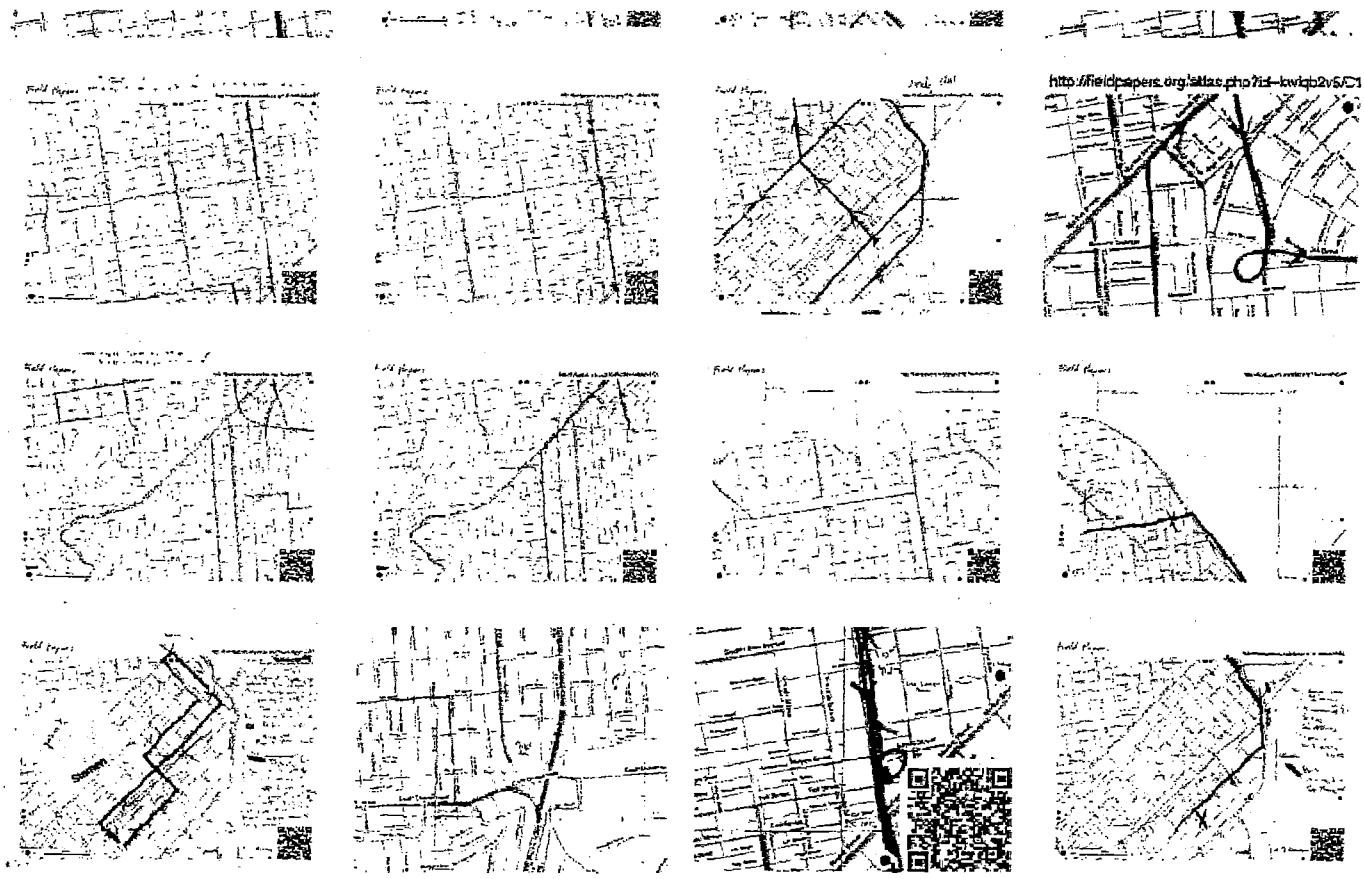
That's when we realized how big this was, and that we'd need outside help. We enlisted people to go to stops, measure traffic and count people getting off and on and we hired bike messengers to see where the buses went. The cyclists used to transcribe the various routes and what they found out, which we recompiled back into a database of trips, stops, companies and frequency. At a rough estimate, these shuttles transport about 35% of the amount of passengers moves each day. **Google alone runs about 150 trips daily, all over the city.**



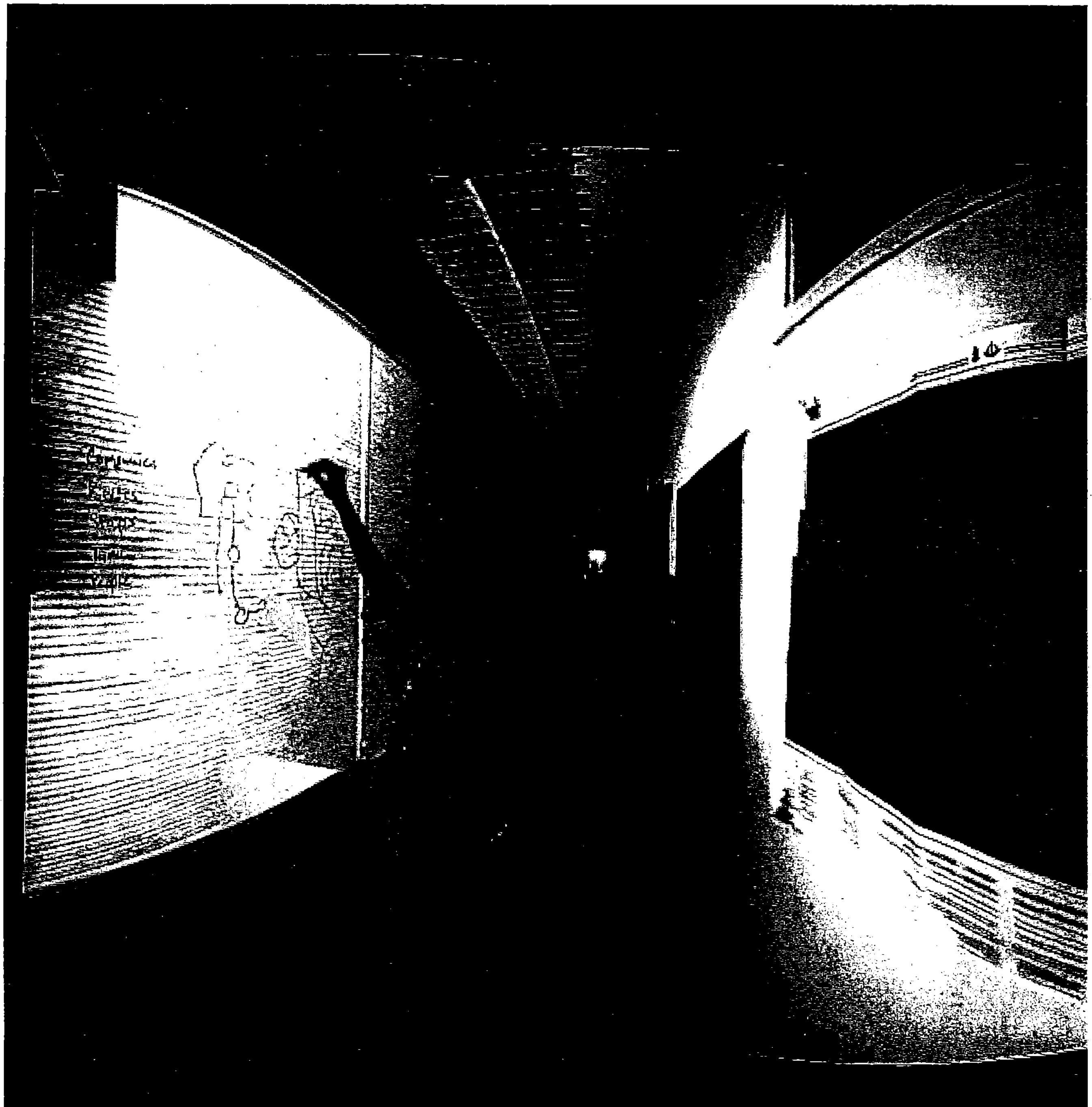


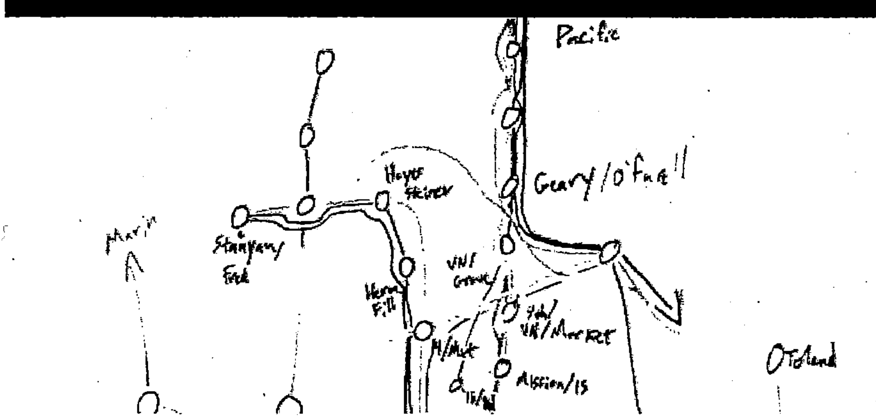






We wanted to simplify that, to start thinking about it as a system rather than a bunch of buses, so we began paring down the number of stops by grouping clusters where the stops were close to each other.

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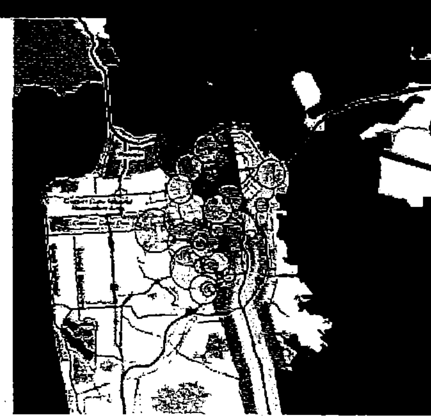
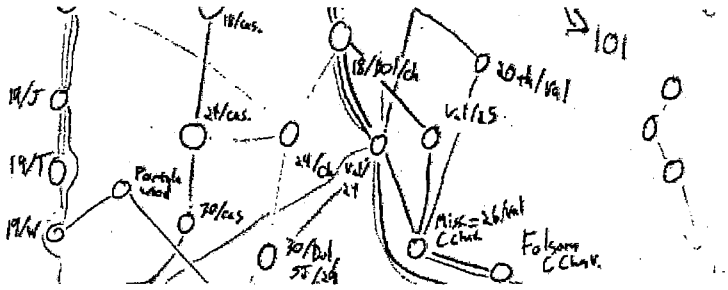
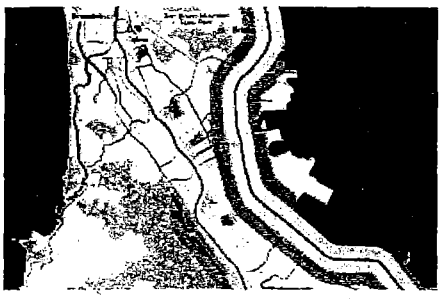
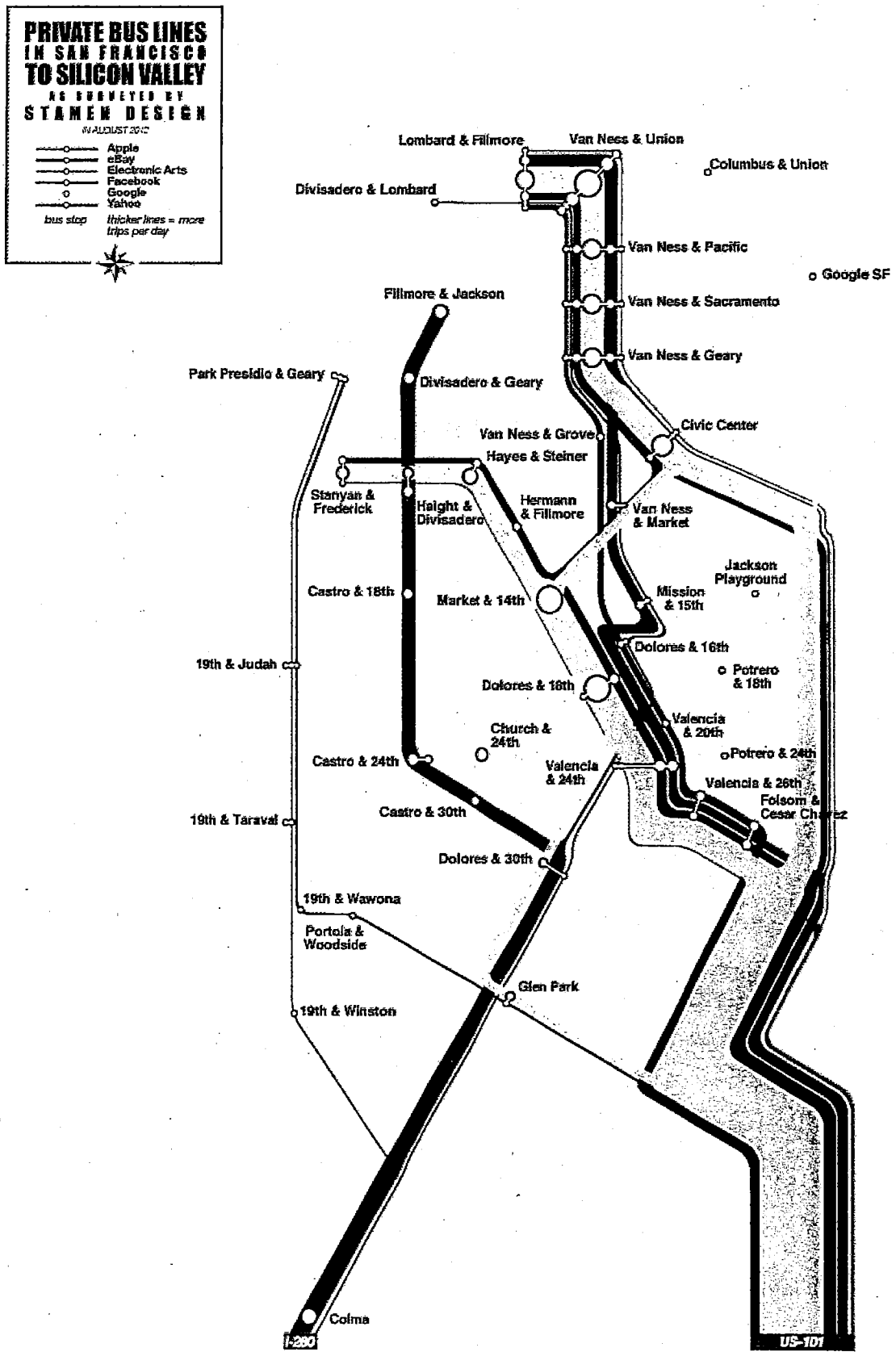


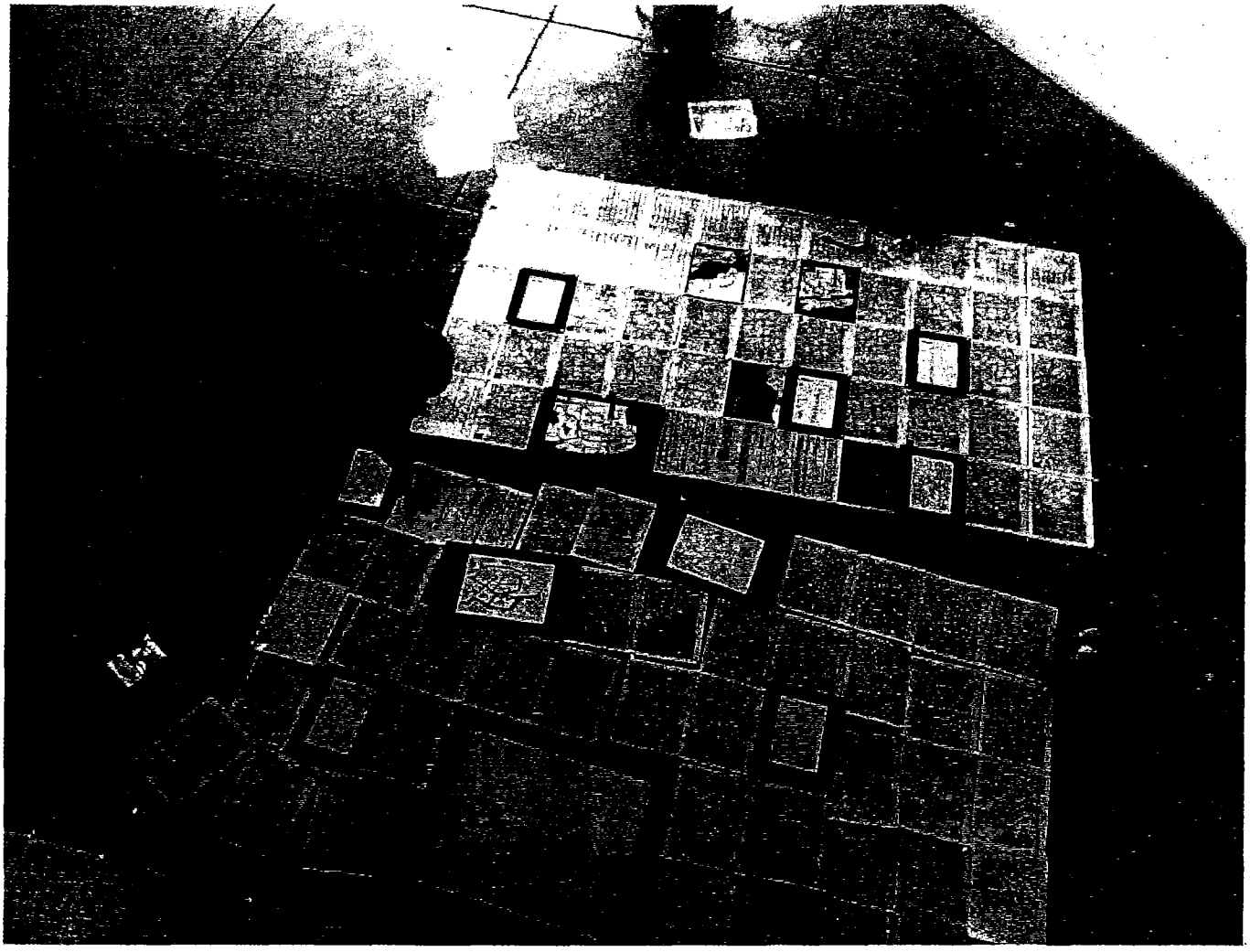


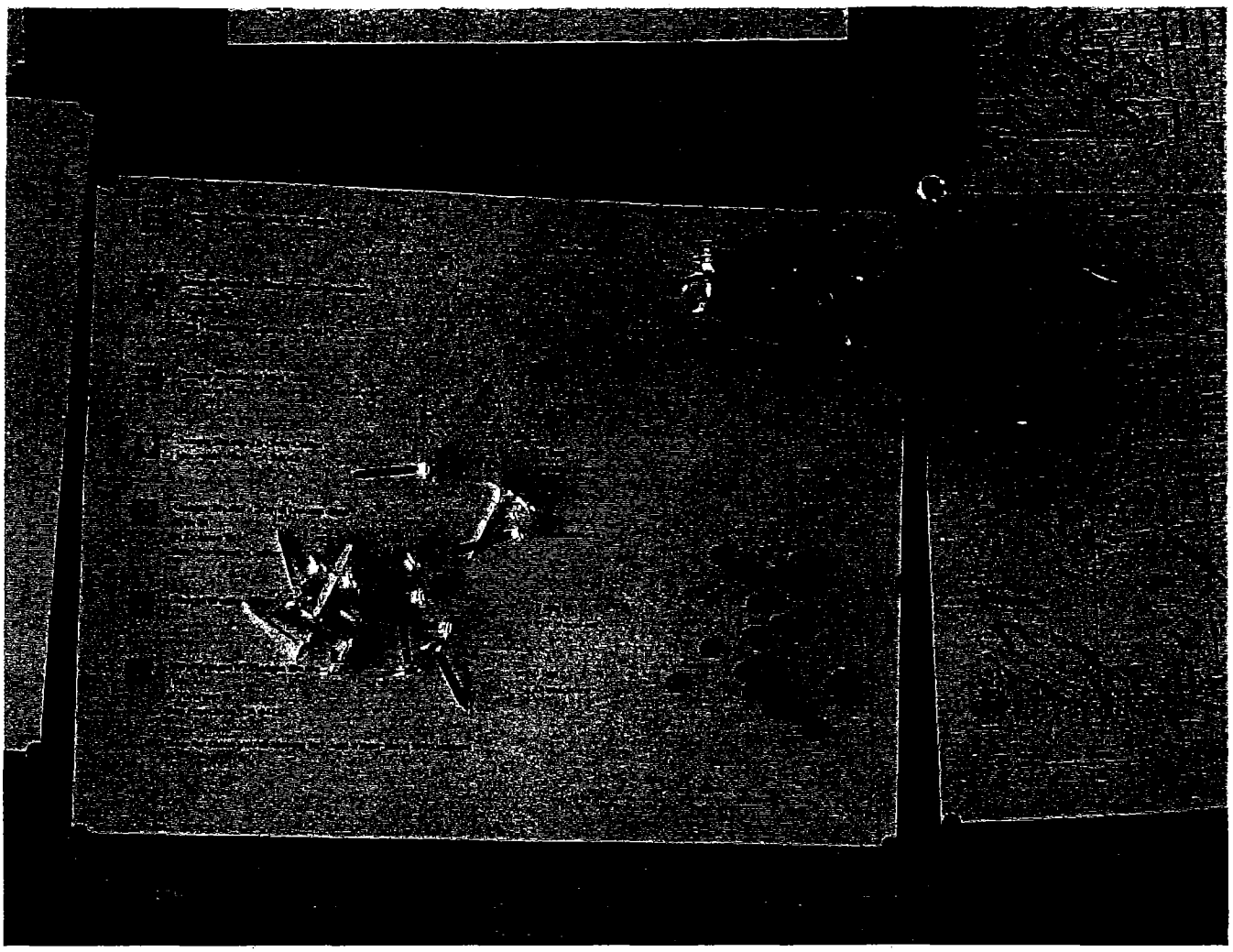


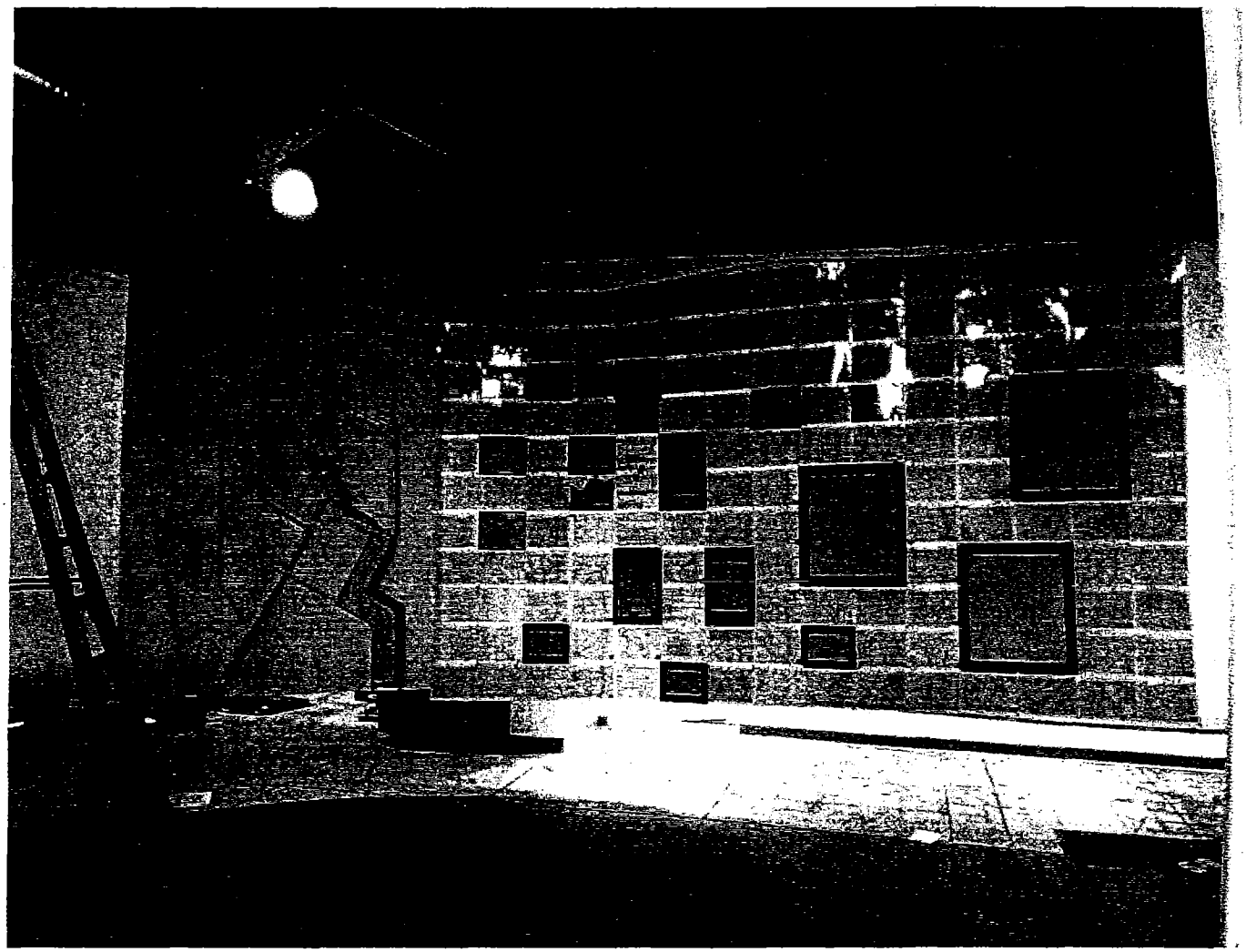
The subway map is the end result of that simplification; it's not a literal representation, but it's much more readable than the actual routes. We also wanted to show the relative volumes, so the map segments are scaled by how many trips pass through them; you get a sense for just how much traffic the highways get, and how the routes branch out from there to cover the city. We only mapped San Francisco shuttles, many of these companies operate additional routes in East Bay, the Peninsula, and around San Jose, including direct routes from Caltrain stations to corporate campuses.


PRIVATE BUS LINES
IN SAN FRANCISCO
TO SILICON VALLEY
AS SURVEYED BY
STAMEN DESIGN
IN AUGUST 2012
Apple
eBay
Electronic Arts
Facebook
Google
Yahoo
bus stop
thicker lines = more trips per day
Lombard & Fillmore
Van Ness & Union
Columbus & Union
Divisadero & Lombard
Van Ness & Pacific
Google SF
Fillmore & Jackson
Van Ness & Sacramento
Van Ness & Geary
Park Presidio & Geary
Divisadero & Geary
Civic Center
Van Ness & Grove
Hayes & Steiner
Stanyan & Frederick
Haight & Divisadero
Hermann & Fillmore
Van Ness & Market
Jackson Playground
Castro & 18th
Market & 14th
Mission & 15th
Dolores & 16th
19th & Judah
Potrero & 18th
Dolores & 18th
Valencia & 20th
Church & 24th
Potrero & 24th
Castro & 24th
Valencia & 24th
Valencia & 26th
Folsom & Cesar Chavez
19th & Taraval
Castro & 30th
Dolores & 30th
19th & Wawona
Portola & Woodside
Glen Park
19th & Winston
Colma
I-280
US-101

The final map is installed with our initial sketches and







***The City from the Valley* (2012) is a piece in *Seeking Silicon Valley*, on display at the ZERO1 Garage in San Jose, California from September 12 - December 8, 2012.**

Press

- Wall Street Journal, October 10, 2012
- KQED, September 27, 2012
- Per Square Mile, September 26, 2012
- Boing Boing, September 25, 2012
- VentureBeat, September 24, 2012
- All Things D, September 22, 2012
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SF Gate, September 19, 2012

- New Scientist CultureLab, September 17, 2012
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EXHIBIT M

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Letters: Shuttle riders clog streets

By Examiner Readers

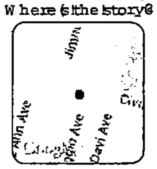
➢ "S.F.'s discussion over tech buses is not finished," Editorial, Opinion, Jan. 26

Shuttle riders clog streets

I live on 26th Street between Castro and Diamond streets and was wondering why it was getting hard to park on my block during the day. I've lived here for 20 years and parking was never a problem until around mid-2013.

Sitting on my porch recently, I saw people parking on my block and taking the tech buses that pick them up at James Lick Middle School or at 24th and Castro streets.

Where's the story?



2 Points Mentioned

I think the buses are a great option, but they should run where their clients actually live so the riders don't have to come and park here.

This problem has to be addressed soon. The companies should poll the riders to find out where they actually live and where they want to be picked up. Stops and routes should be modified like school buses to fit the current ridership.

They are doing riders and neighborhood people, such as myself, a disservice by running on predetermined routes.

Cyrus Esteban

San Francisco

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S.F. shuttles tread on Muni's turf as pilot program aims to cut overlap

By Jessica Kwong @JessicaGKwong

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By Jessica Kwong

Mario Guerrero remembers a time during the first dot-com boom, before commuter shuttles became a fixture on San Francisco streets, when workers would drive to their jobs.

"They'd refuse to ride public transportation. Shuttles were a step up," said Guerrero, a manager for the private charter service San Francisco Minibus.

In the past decade, commuter shuttles — those serving businesses and universities within The City and companies on the Peninsula and in Silicon Valley — have grown in popularity. While some view the out-of-town bus trips as a symbol of economic disparity, they make up only 20 percent of all commuter shuttle activity in San Francisco, according to project manager Carli Paine of the San Francisco Municipal Transportation Agency. The remainder consists of shuttles serving businesses and medical and academic institutions within The City.

Where is the story?

8 Points Mentioned

An analysis by The San Francisco Examiner determined that several intracity shuttles currently run routes that overlap with Muni lines, raising the question of whether the shuttles are necessary to reduce traffic and greenhouse-gas emissions or are merely a perk of the job.

Regardless, transit officials say a new pilot program charging commuter shuttles to use Muni stops is expected to prevent such duplication.

Under the 18-month pilot program approved by the SFMTA board of directors last month, only permitted commuter shuttles will be allowed to use a select network of 200 Muni stops for $1 per stop per day. The program is intended to address safety concerns and reduce delays and impacts on Muni.

"In order to get a permit, a provider would have to demonstrate that they aren't replicating a route," Paine said. "So once the pilot is started, we should not have shuttles replicating Muni routes that are part of the pilot."

A TENDENCY TO OVERLAP

The SFMTA has studied commuter shuttle patterns since 2011, when the San Francisco County Transportation Authority released a report detailing their impact on The City's traffic infrastructure, but the agency does not have a clear picture of which intracity shuttles take routes already served by Muni.

However, The Examiner's analysis found several instances where intracity shuttle routes overlap with Muni lines.

One South of Market tech company, for example, provides shuttles from its offices at Townsend and Seventh streets and Townsend and Fifth streets to the King Street Caltrain station -- which the 10-Townsend Muni bus serves. The company's shuttle from both office buildings to the Civic Center BART station stops at nearly the same places as Muni.

San Francisco Minibus has served companies by using routes that some existing Muni buses already take, said Guerrero, whose company has operated since 1978. The practice has been quite common over the years, he said.

"Some companies that used to provide parking passes now give passes for BART and the shuttles are free, so it encourages them," Guerrero said of the rise in shuttle usage.

San Francisco Minibus has been growing since the 1980s, Guerrero said, but it has experienced a "big jump" in riders in the past couple of years.

"It's crazy right now," he said. "We were the first ones to start the shuttle system and everyone started jumping on the bandwagon only recently."

The company often acts as the "last mile" between a BART station and workers' destinations, Guerrero added.

SERVING MEDICAL, EDUCATION SITES

Shuttles for medical institutions vary in similarity to Muni routes as well.

San Francisco General Hospital operates a shuttle between its campus at Potrero Avenue and 23rd Street to the 24th Street BART station that covers a nearly identical route as the Muni 48-Quintara-24th Street line, which picks up riders and Utah and 23rd streets a block a away.

Considering 6,000 people visit the campus daily, spokeswoman Rachael Kagan said, "The shuttle service is part of a broader program to reduce the number of employees that commute alone to the campus and reduce traffic congestion."

The hospital also uses a shuttle network run by UC San Francisco that traverses 16 routes, covers 1 million miles and carries 2.4 million passengers annually. Although the shuttles travel on some of the same corridors as Muni, none of the routes are identical, UCSF spokeswoman Elizabeth Fernandez said.

Kaiser Permanente's bus shares one stop with Muni at Market and Ninth streets, but rather than following public-transit routes, it makes adjustments according to traffic conditions, Kaiser spokesman Joe Fragola said.

For the California Pacific Medical Center, the commuting situation is similar to UCSF and Kaiser Permanente.

"Our staff can catch Muni probably within walking distance, but in my experience, the shuttles really do cut my travel time," CPMC spokesman Dean Fryer said.

The Academy of Art University provides shuttles of varying sizes for students and faculty going between campuses, studios and dormitories within the downtown area.

"They zigzag back and forth between facilities in a way that is very uncommon for public routes that stay on one avenue, so I would be very surprised if there was duplicity," said Adrian Covert, a policy manager for the Bay Area Council, of which the university is a member.

SHUTTLING FORWARD

The intracity shuttle system that appears to be the most underserved by Muni -- and already has in place a deal to share Muni stops -- is the service run by the Presidio Trust. While the 43-Masonic and 29-Sunset only go a short distance into the Presidio, the PresidiGo travels throughout the rest of the 1,500-acre area and connects to downtown.

The PresidiGo started in 2007 because Muni had just eliminated the only direct downtown bus connection to the Presidio, the 82X-Levi Plaza Express line, and was not interested in funding a replacement service, said Dana Polk, a spokeswoman for the Presidio Trust, which manages the national park.

"This makes it feasible for residents to live and work in the Presidio and access the rest of The City without taking multiple hours and transportation options," Polk said.

Although commuter shuttles, including those serving points outside The City, have been a key option for employees traveling to work, some activists argue that they provide the wealthy a privilege while the public gets stuck with a problem-plagued public-transit system.

The fee program will not prevent the shuttles from using the streets, transit officials say, but it could reduce conflicts with Muni while providing a transportation option tailored to workers' needs.

More Transportation »

Tags: Transportation, commuter shuttles, Silicon Valley, San Francisco Municipal Transportation Agency, Muni, San Francisco Minibus, Carli Paine, PresidiGo

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@JessicaGKwong

Bio:
Jessica Kwong covers transportation, housing, and ethnic communities, among other topics, for the San Francisco Examiner. She covered City Hall as a fellow for the San Francisco Chronicle, night cops and courts for the San Antonio Express-News, general news for Spanish-language newspapers La Opinión and El Mensajero,... more

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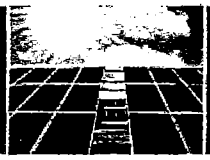
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Adopted Air Quality CEQA Thresholds of Significance* - June 2, 2010			
Pollutant	**Construction-Related**	**Operational-Related**	
Project-Level			
Criteria Air Pollutants and Precursors (Regional)	**Average Daily Emissions (lb/day)**	**Average Daily Emissions (lb/day)**	**Maximum Annual Emissions (tpy)**
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (exhaust only)	82	15
$PM_{2.5}$	54 (exhaust only)	54	10
$PM_{10}/PM_{2.5}$ (fugitive dust)	Best Management Practices	None	
Local CO	None	9.0 ppm (8-hour average), 20.0 ppm (1-hour average)	
GHGs **Projects other than Stationary Sources**	None	Compliance with Qualified Greenhouse Gas Reduction Strategy OR 1,100 MT of CO_2e/yr OR 4.6 MT CO_2e/SP/yr (residents + employees)	
GHGs **Stationary Sources**	None	10,000 MT/yr	
Risk and Hazards – New Source (Individual Project)	Same as Operational Thresholds**	Compliance with Qualified Community Risk Reduction Plan OR Increased cancer risk of >10.0 in a million Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute) Ambient $PM_{2.5}$ increase: > 0.3 $\mu g/m^3$ annual average Zone of Influence: 1,000-foot radius from fence line of source or receptor	
Risk and Hazards – New Receptor (Individual Project) *Note: Threshold Effective Date May 1, 2011*	Same as Operational Thresholds**	Compliance with Qualified Community Risk Reduction Plan OR Increased cancer risk of >10.0 in a million Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute) Ambient $PM_{2.5}$ increase: > 0.3 $\mu g/m^3$ annual average Zone of Influence: 1,000-foot radius from fence line of source or receptor	

* It is the Air District's policy that the adopted thresholds apply to projects for which a Notice of Preparation is published, or environmental analysis begins, on of after the applicable effective date. The adopted CEQA thresholds – *except for the risk and hazards thresholds for new receptors* – are effective June 2, 2010. The risk and hazards thresholds for new receptors are effective May 1, 2011. [Updated December 30, 2010]

** The Air District recommends that for construction projects that are less than one year duration, Lead Agencies should annualize impacts over the scope of actual days that peak impacts are to occur, rather than the full year.

Adopted Air Quality CEQA Thresholds of Significance* - June 2, 2010		
Pollutant	**Construction-Related**	**Operational-Related**
Risk and Hazards – New Source (Cumulative Thresholds)	Same as Operational Thresholds**	Compliance with Qualified Community Risk Reduction Plan OR Cancer: > 100 in a million (from all local sources) Non-cancer: > 10.0 Hazard Index (from all local sources) (Chronic) $PM_{2.5}$: > 0.8 $\mu g/m^3$ annual average (from all local sources) Zone of Influence: 1,000-foot radius from fence line of source or receptor
Risk and Hazards – New Receptor (Cumulative Thresholds) *Note: Threshold Effective Date May 1, 2011*	Same as Operational Thresholds**	Compliance with Qualified Community Risk Reduction Plan OR Cancer: > 100 in a million (from all local sources) Non-cancer: > 10.0 Hazard Index (from all local sources) (Chronic) $PM_{2.5}$: > 0.8 $\mu g/m^3$ annual average (from all local sources) Zone of Influence: 1,000-foot radius from fence line of source or receptor
Accidental Release of Acutely Hazardous Air Pollutants	None	Storage or use of acutely hazardous materials locating near receptors or receptors locating near stored or used acutely hazardous materials considered significant
Odors	None	Complaint History—5 confirmed complaints per year averaged over three years
Plan-Level		
Criteria Air Pollutants and Precursors	None	1. Consistency with Current Air Quality Plan control measures 2. Projected VMT or vehicle trip increase is less than or equal to projected population increase
GHGs	None	Compliance with Qualified Greenhouse Gas Reduction Strategy (or similar criteria included in a General Plan) OR 6.6 MT CO2e/ SP/yr (residents + employees)
Risks and Hazards	None	1. Overlay zones around existing and planned sources of TACs (including adopted Risk Reduction Plan areas) 2. Overlay zones of at least 500 feet (or Air District-approved modeled distance) from all freeways and high volume roadways
Odors	None	Identify locations of odor sources in general plan
Accidental Release of Acutely Hazardous Air Pollutants	None	None
Regional Plans (Transportation and Air Quality Plans)		
GHGs, Criteria Air Pollutants and Precursors, and Toxic Air Contaminants	None	No net increase in emissions

CO = carbon monoxide; CO_2e = carbon dioxide equivalent; GHGs = greenhouse gases; lb/day = pounds per day; MT = metric tons; NO_X = oxides of nitrogen; $PM_{2.5}$= fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; ppm = parts per million; ROG = reactive organic gases; SP = service population; tpy = tons per year; yr= year.

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Interdepartmental Memorandum

To: **Angela Calvillo**
Clerk of the San Francisco Board of Supervisors

From: **Edward D. Reiskin**
Director of Transportation
San Francisco Municipal Transportation Agency

Date: **March 21, 2014**

Re: ***Appeal of CEQA Determination - SFMTA Commuter Shuttle Pilot***

Hearing Date: **April 1, 2014**

Introduction

The San Francisco Municipal Transportation Agency (SFMTA) submits this memorandum in support of SFMTA Resolution No. 14-023 and the California Environmental Quality Act (CEQA) determination made in connection therewith. The commuter shuttle sector in San Francisco has grown rapidly in recent years, providing a sustainable commute choice to thousands of employees, students, and other residents of the City. At the same time, the increase in the number and frequency of commuter shuttles has had unintended consequences on Muni operations and on other parts of the City's transportation system.

Preliminary data shows that commuter shuttles provide alternatives to drive-alone trips, and are associated with reduced auto ownership and the increased use of transit, walking, and bicycling for non-commute trips. Private shuttles currently provide more than 35,000 individual person-trips[1] on an average weekday, most of these during morning and evening peak hours. This is similar in volume to a system like Caltrain.

Field observations have demonstrated that, at highly used stops, commuter shuttles can conflict with Muni and other users. Delays to Muni, boardings away from the curb, traffic back-ups, and diversion of bicyclists out of bike lanes can occur when multiple vehicles (either more than one shuttle or a shuttle bus and a Muni bus) are competing for limited curb space. Field observations indicate that conflicts are minimal at stops where frequency is low and curb space is less constrained.

On January 21, 2014, the SFMTA Board of Directors approved a Commuter Shuttles Policy and Pilot Program ("the Pilot" or "Commuter Shuttles Pilot, attached as "Exhibit A"), including a resolution amending Division II of the Transportation Code to authorize the Pilot. The Pilot aims to address the following key transportation issues related to commuter shuttles:

- Delays in Muni service, which are most intense at stops where Muni service is very frequent
- Challenge of shuttle identification and ability to identify the right provider in response to problems
- Safety concerns, local congestion, and upstream Muni delays that result when vehicles are stopping in zones that are not conducive to sharing

[1] Based on SFMTA data compiled from 2012 data collected from shuttle sponsors.

- Clarity for enforcement personnel, providers, and the public about where shuttles are allowed to stop
- Responsibility to recover agency costs
- Lack of complete information about shuttle operations – a challenge for communications and planning

The Pilot will enable SFMTA to evaluate whether sharing Muni stops specifically selected to minimize impacts on Muni and other users, permit terms that establish standards for operations, and data-supported system management can minimize conflicts while supporting the beneficial commuter options that shuttles provide.

To measure the effectiveness of managing and regulating commuter shuttle loading activities within this Pilot, the SFMTA will conduct before- and during-pilot observations of Muni zones, audit shuttle GPS data, track collisions involving commuter shuttles, conduct a survey of shuttle and Muni operators, and assess actual costs associated with the program's activities.

Questions to be answered include: "To what extent does managing commuter shuttles by allowing sharing at specifically selected Muni zones reduce conflicts for Muni and other users?", "To what extent does a permit program that includes operational guidelines lead to desired operational behavior?", "What level of enforcement is needed to effectively regulate shuttles operating with permits?", and "What are the actual labor and capital needs to accommodate commuter shuttles within San Francisco?" Answering these questions will inform the SFMTA's approach for longer-term management and regulation of the commuter shuttles sector. For instance, if findings demonstrate a need for additional enforcement, and/or capital improvements, these elements and costs could be incorporated into a permanent program.

The Commuter Shuttles Pilot recognizes the SFMTA's responsibility in managing the transportation network in San Francisco and the SFMTA's authority to regulate curb space. The Pilot does not conflict with the authority of the California Public Utilities Commission to license shuttles for operation or regulating vehicle specifications. If the Pilot does not move forward, the current issues caused by unregulated stop locations will continue. SFMTA does not have the authority to prohibit operation of the buses. The SFMTA will be forced to continue to address these issues on an ad hoc basis until an alternative solution is identified and implemented.

Background

The Commuter Shuttles Pilot project is the result of several years of work at the SFCTA and the SFMTA. The San Francisco County Transportation Authority's (SFCTA's) 2011 Strategic Analysis Report (SAR) on commuter shuttles informed the SFMTA's process and approach. The 2011 SAR recommended that the SFMTA take an active role in managing the growing shuttle sector. The SFCTA was awarded a Bay Area Climate Initiative grant from the Metropolitan Transportation Commission (MTC) to support a variety of transportation demand management efforts, including development of a commuter shuttle policy.

The SFMTA began collecting information about the shuttle sector in late 2011 and throughout 2012. Updates were provided to the SFMTA Board's Policy and Governance Committee and the SFMTA's Citizens Advisory Council in 2011, 2012, and 2013 on scope, data collection findings, and policy approach. Additionally, updates were provided to the SFCTA Board's Policy and Programs Committee and Citizens Advisory Committee in 2012.

The preliminary data collected about the commuter shuttle sector's operations was limited to information provided voluntarily. However, the Pilot requires shuttle providers to submit data to SFMTA, which will allow the Agency to establish a more concrete understanding of how commuter shuttles interact with the rest of the transportation network.

Representatives from across SFMTA divisions and the Transportation Advisory Staff Committee (TASC) have reviewed and contributed to this policy.

Commuter shuttle sector overview

Numerous employers, educational institutions, medical facilities, office buildings, and transportation management associations offer shuttle service to their employees, students, and clients. Some buildings are required to provide shuttle service as part of their Conditions of Approval. In addition, an employer may comply with San Francisco's Commuter Benefits Ordinance by offering a free commute shuttle to employees. The majority of the commuter shuttles are closed systems that provide service to a specific population and are not open to the general public. Most shuttles are provided for free to employees (or students, tenants, etc.) The private shuttle sector encompasses:

- **Sponsors:** The buildings, employers, hospitals, schools, and other institutions that offer the service, either by contracting out to operators or by operating their own shuttles. Sponsors also include third party shuttle coordinator firms hired by companies to manage contracted shuttle systems.
- **Shuttle service providers:** The companies and individuals who operate the shuttle vehicles and provide the service on a day-to-day basis.
- **Riders:** The people who use shuttles for their commute trips.

There are two distinct markets within the shuttle sector: those that operate within San Francisco (intra-city) and those that operate between San Francisco and another county (regional). Intra-city shuttle trips comprise 80 percent of known San Francisco-serving shuttle activity while regional shuttle trips comprise about 20 percent of known San Francisco-serving shuttle activity.

Need for Regulation

As the commuter shuttle sector has grown, real and perceived conflicts have increased. Some shuttles stop at designated white shuttle bus zones or white passenger loading zones. However, many shuttles use Muni stops to load and unload passengers. Muni stops are designated with a red curb, which prohibits parking and stopping by non-Muni vehicles.

In some locations, commuter shuttle use of Muni zones has not resulted in conflicts, while in others there have been conflicts. Until now, the SFMTA has addressed conflicts with shuttles on an ad hoc basis by working with the relevant providers to resolve a reported problem. Parking Control Officers (PCOs) issue citations when they observe unsafe operations or stopping activities that impact Muni operations. However, this approach is not sustainable and does not provide clear standards for operators or enforcement.

Without a network of approved stops, private commuter shuttle operators have imperfect choices to make about where to load and unload riders: stopping in the travel lane (adjacent to parked cars) blocks through traffic and bicycles, presents safety hazards for riders boarding and alighting, and risks a parking citation; stopping at a Muni stop enables safer curbside access, but can delay Muni and risks a parking citation.

The SFMTA recognizes that commuter shuttles can provide important benefits to the overall transportation system, and that they complement the service that Muni provides by serving routes that not served by Muni or other providers. Furthermore, commuter shuttles provide sustainable transportation options during peak times, when Muni and many other public transit systems are at or over capacity. Data collected through a consultant survey of shuttle riders and shuttle service providers identified the following benefits from the commuter shuttles[2]:

- Reduction in private vehicle trips: Nearly half of all regional shuttle riders and 27 percent of all intra-city shuttle riders surveyed reported that they would drive alone for their commute if they did not have access to the shuttle service
- Reduction in car ownership rates: 59 percent of regional riders reported selling or forgoing purchase of a personal vehicle because of availability of the shuttle service, decreasing evening and weekend parking demand in San Francisco neighborhoods
- Increased use of transit, walking, biking, and other sustainable modes for non-commute trips
- Annual reductions of at least 43 million vehicle miles and 8,500 tons of greenhouse gas emissions[3]

Residents, elected officials, shuttle sector members, Muni operators, parking control officers, and Muni inspectors have requested that the SFMTA establish clear rules about where shuttles may and may not stop. The SFMTA has involved Muni operations, SFMTA safety and enforcement, shuttle sponsors, and the shuttle transportation service providers in developing an approach that minimizes impacts on Muni and other users while supporting the shuttle sector and the benefits it provides. However, before any long-term program is established, the SFMTA needs more complete information. SFMTA needs to regulate shuttle activity in order to gather consistent data about shuttle operations and their impacts over a period of time.

Benefits of a pilot

The Pilot program will allow the SFMTA to build on knowledge that exists and test out an approach and gather additional data about the performance of this approach that can inform longer-term solutions. In this case, the SFMTA has evidence that sharing certain kinds of Muni bus stops with commuter shuttle buses can work without impacting Muni service. The Pilot will allow the SFMTA to test this approach using a limited network of approved stops. It will further enable the SFMTA to understand how regulation and management affects Muni and other users.

The Pilot would differ from the current situation in the following ways:

- Shuttles stop using high demand Muni zones
- Enforcement through dedicated personnel
- Accurate and comprehensive data about shuttle operations and activities that can inform the formulation of a long-term approach
- Agreed-upon operations standards for shuttle operators
- Fee to recover agency costs associated with shuttle regulation

[2] Data collected by ICF International, July-August, 2012
[3] Updated March, 2014 by ICF International

The SFMTA Board approved an 18-month pilot that would create a network of shared stops for use by Muni and those commuter shuttle buses that participate in the Pilot as described below.

The Pilot approach to designating and managing shuttle stops in San Francisco aims to maximize the benefits shuttles deliver while minimizing conflicts with other users of the City's transportation network.

Key elements of shuttle pilot

- The SFMTA will develop a network of approximately 200 shared Muni and shuttle stops
  - Shuttle transportation service providers propose which Muni stops should be considered to become shared stops
  - SFMTA solicits input from residents, Muni operations on street conditions to consider when evaluating proposed stops
  - SFMTA traffic engineering and service planning staff will evaluate proposed stops in light of shuttle sector preferences, street conditions, Muni operations, and stop configuration
  - A SFMTA public hearing and associated notification will be required to approve network of shared stops
- Shuttle service providers would apply for a permit to use network, and pay a fee for permit
- Permittees will be responsible for ensuring that their operators comply with agreed-upon operating guidelines, including displaying a placard that identifies them as a permitted user
- Parking Control Officers, Muni Inspectors would enforce stopping at shared stops in order to limit the use of such stops only to Muni and permittees
- Permittees will share data on operations with the SFMTA, following specifications established by the SFMTA

Eligibility

The Pilot applies to privately operated transportation services that move commuters to, from, and within San Francisco. Services that are arranged by an employer, building, or institution to provide transportation home-to-work, work-to-home, last-mile-to-work, or work site-to-work site are eligible to participate in this program. These services warrant a pilot program to test sharing of stops because:

- Service is routine (following set schedules) and involves relatively uniform number of vehicles
- Service reduces greenhouse gas emissions and vehicle miles traveled
- Operations are conducive to sharing with Muni at certain stops
- Operators are commercially licensed and subject to regulation, including safety and insurance requirements, by the California Public Utilities Commission (CPUC)
- Operations complement, but do not duplicate, existing public transportation services

Network development: application and approval process

To implement the Pilot, the SFMTA solicited applications from shuttle service providers for the purpose of determining which stops should be included in the shared Muni-shuttle stop network. Submissions included specific Muni bus zones that shuttle providers would like to use as part of the pilot network and information about the type of vehicles that would use the stops, and the hours and frequency of the proposed stop use.

The SFMTA also solicited information from community members about specific street and traffic conditions that may be relevant to the inclusion or exclusion of specific stops within the network of shared stops. The SFMTA gathered over 4,000 suggestions from residents about locations that should and should not be included in the pilot network via an interactive website that was available in English, Chinese, and Spanish, and through two community open houses.

Over the next several months, the SFMTA transit service planning and transportation engineering staff will review proposed stops, identifying potential impacts provided by community input as well as information about Muni operations and stop configurations to recommend a network of shared stops. Where existing Muni stops are not long enough to accommodate shuttle use and an extension of the zone is warranted, the SFMTA may suggest lengthening the zone or creating an adjacent shuttle zone by restricting use of adjacent parking spaces during peak hours. Staff may also suggest the creation of separate white zones to accommodate shuttles at locations where sharing is not feasible.

A proposed network of shared stops, along with any stop extensions or other curb changes, will be subject to public notification and a SFMTA public hearing.

Any Muni stop not formally approved by the SFMTA as a shared stop will remain, by default, not an allowable or legal stop for private shuttles. Violators will be subject to citations.

Permit terms

The permits authorizing permittees' commuter shuttles to make shared use of selected Muni stops will contain requirements related to: indemnification of SFMTA and the City of San Francisco; display of placards; specific operating guidelines designed to reduce impacts on Muni and other users; provision of data feeds to SFMTA; paying permit fees and any outstanding traffic citations; and compliance with CPUC requirements.

An administrative penalty fee may be issued and/or a permit may be revoked for failure to comply with permit terms.

Permit and use fee

The SFMTA will recover the full $1.6 million cost of this Pilot program through a permit and use fee. State law prohibits establishing costs to generate revenue beyond cost recovery.

The permit and use fee includes both upfront and on-going costs associated with the Pilot. Upfront costs include Development of stop proposal systems, evaluation of proposed stops, signage and placard design and production, sign installation, data management system development, and permit processing. On-going costs include enforcement, data system management, day-to-day oversight and administration, billing and payment processing, and evaluation.

The permit and use fee will be assessed on a per-stop event basis. A "stop event" is defined as an individual instance of an individual bus stopping at the shared zone. An average of 4,121 stop events per day was assumed in deriving the cost per stop-event. This number reflects the SFMTA's knowledge of existing commuter shuttle stop events in Muni zones based on preliminary data collected from shuttle sponsors and service providers in 2012. The exact per-stop fee may be revised based on total stop-events identified by the permit applicants.

The fee is $1 per stop event. For example, a shuttle service provider that uses 10 shared zones 20 times a day would submit a permit application requesting permission to make 200 stop events a day

and, if approved, the SFMTA would charge this shuttle service provider $200 per day, or $52,000 per year.

Permit application

After the network of shared stops is approved, shuttle service providers will be allowed to apply for permits. An initial permit will be issued for the first six months of the program, followed by a renewal (or adjusted) twelve-month permit for the remainder of the program.

Regulation and enforcement

Shuttles with permits will be required to display SFMTA-developed placards on the front and rear of their vehicles. The placards will identify the users as having permits and will include a unique identifier associated with the shuttle provider to facilitate SFMTA contact with the correct shuttle service provider regarding any complaint or inquiry. Signage will be posted at each approved stop in the pilot network. Parking Control Officers and Muni Inspectors will enforce compliance with the program, issuing citations for non-permitted shuttles using shared stops, shuttles using Muni stops not part of the pilot network, and shuttles loading in a bicycle or mixed flow lane.

In addition to parking citations, the program will include penalties for violations of the permit terms.

Data and evaluation

Permittees will provide GPS data captured while operating in San Francisco. GPS data will provide the granularity and consistency of information needed to focus enforcement efforts, respond to complaints, audit for compliance, identify hot spots of delay, and develop an understanding of shuttle operations.

To measure the effectiveness of managing and regulating commuter shuttle loading activities, the SFMTA will conduct before and during pilot observations of select Muni zones, audit GPS data of shuttle operations, conduct a survey of shuttle and Muni operators, and develop a cost report to answer the questions below:

Does managing commuter shuttles by allowing sharing at certain Muni stops reduce conflicts for Muni and other users?

- **Conduct before- and during-pilot observations** at select Muni stops within the network, and of Muni stops that are excluded from the network but that had been used by commuter shuttle buses prior to the pilot, to assess the change in conflicts between shuttles and other users. Conflicts to be evaluated include: double parking to load/unload (Muni or shuttle), delayed access to curb (Muni) because of shuttle use, shuttle loading blocks crosswalk, shuttle loading blocks bike lane, and curb denials for people in wheelchairs/with strollers.
- **Track collision data** to assess collisions involving shuttle buses.

What enforcement is needed to effectively regulate shuttles, given a permit program framework?

- **Audit GPS data feeds from on-board shuttle devices** to evaluate compliance with the terms of the permit. Assess to what extent permittees are stopping only at the stops that are within the network. Assess to what extent permittees are stopping at Muni zones outside of the network. Assess to what extent permittees are making the number of stop events that

they have received permit approval to make. Assess to what extent permittees are only stopping to load and unload by auditing dwell time.

- **Track citations of shuttle buses** to assess use of Muni zones and pilot network zones by shuttles that do not have permits.
- **Collect feedback** from SFMTA enforcement about how the Pilot approach to enforcement is working, and what level of enforcement is needed to regulate commuter shuttle loading.

What are the actual labor and capital needs to accommodate commuter shuttles within San Francisco?

- **Track actual administrative costs** associated with the permit program.
- **Identify what capital improvements** are needed to accommodate shuttle buses. These may include such projects as signal timing or stop improvements.
- **Identify costs for effective enforcement strategy**, as outlined above.

Post-pilot

If the pilot evaluation demonstrates that sharing designated Muni zones with commuter shuttles successfully reduces conflicts and supports commuter shuttle operations, the SFMTA may consider:

a) Making the Pilot network permanent; or,
b) Proposing a revised permanent network.

If the Pilot does not demonstrate that sharing designated Muni zones with commuter shuttles successfully reduces conflicts, the SFMTA may consider whether any refinements in the approach would address remaining problems. If the conclusion is that commuter shuttles and Muni are not compatible at any shared stops, the SFMTA may then consider requiring that commuter shuttles pursue creation of white zones for shuttle stops or other alternatives not yet identified.

Conclusion

The Pilot program has been carefully designed to test a solution to the issues raised by the expanded use of commuter shuttles in San Francisco, and provide SFMTA with data to accurately assess the Pilot. SFMTA recommends that the Board of Supervisors deny this appeal. As noted above, a decision to uphold the appeal will only serve to continue the current circumstances, forcing SFMTA to address commuter shuttle issues on an ad hoc basis until another approach is developed and implemented.

Attachment:
Exhibit A: Commuter Shuttles Policy and Pilot Program

EXHIBIT A

SFMTA
Municipal Transportation Agency

Commuter Shuttle Policy and Pilot Program

January 2014

Introduction

The commuter shuttle sector in San Francisco has grown rapidly, offering a sustainable commute choice to thousands of employees and students, and at the same time leading to unintended impacts on Muni operations and on other parts of the transportation system.

Commuter shuttles provide alternatives to drive-alone trips, and are associated with reduced auto ownership and use of transit, walking, and bicycling for non-commute trips. Private shuttles currently provide more than 35,000 individual person-trips1 on an average weekday, most of these during morning and evening peak hours. This is equivalent to approximately 5 percent of total Muni boardings on an average weekday.

Numerous employers, educational institutions, medical facilities, office buildings, and transportation management associations offer shuttle service to their employees, students, and clients. Some buildings are required to provide shuttle service as part of their conditions of approval. And, an employer may comply with San Francisco's Commuter Benefits Ordinance by offering a free commute shuttle to employees. The majority of the commuter shuttles are closed systems that provide service to a specific population and are not open to the general public. Most shuttles are provided for free to employees (or students, tenants, etc.) The private shuttle sector encompasses:

- **Sponsors:** The buildings, employers, hospitals, schools, and other institutions that offer the service, either by contracting out to operators or by operating their own shuttles. Sponsors also include third party shuttle coordinator firms hired by companies to manage contracted shuttle systems.
- **Shuttle service providers:** The companies and individuals who operate the shuttle vehicles and provide the service on a day-to-day basis.
- **Riders:** The people who use shuttles for their commute trips.

There are two distinct markets within the shuttle sector: those that operate within San Francisco (intra-city) and those that operate between San Francisco and another county (regional).

Shuttle impacts and benefits

As the commuter shuttle sector has grown, real and perceived conflicts have increased. Some shuttles stop at designated white shuttle bus zones or white passenger loading zones. However, many shuttles use Muni stops to load and unload passengers. Muni stops are designated with a red curb, which prohibits parking and stopping by non-Muni vehicles. In some locations, commuter shuttle use of Muni zones has not resulted in conflicts, while in others there have been conflicts. Until now, the San Francisco Municipal Transportation Agency (SFMTA) has addressed conflicts with shuttles on an ad hoc basis. However, this approach is not sustainable and does not provide clear standards for operators or enforcement.

1 Based on SFMTA data compiled from 2012 data collected from shuttle sponsors.

Without a network of approved stops, private commuter shuttle operators have imperfect choices to make about where to load and unload riders: stopping in the travel lane (adjacent to parked cars) blocks through traffic and bicycles, presents safety hazards for riders boarding and alighting, and risks a parking citation; stopping at a Muni stop enables safer curbside access, but can delay Muni and risks a parking citation.

The SFMTA conducted field data collection that confirmed that shuttle operations create conflicts for Muni and other users of the transportation system most often when using Muni stops that:

- Are on the near side of an intersection, where parked vehicles immediately precede the stop. In this case, the rear end of the vehicle often protrudes into the travel or bike lane.
- Have frequent Muni service
- Are shorter than 80 feet
- Have frequent shuttle service

The impacts include:

- Delays to Muni
- Muni buses that must stop in the traffic lane rather than at the curb
- Localized traffic congestion
- Diversion of bicyclists out of bike lanes and into traffic lanes

The SFMTA conducted analysis of shuttle contributions as well and identified the following benefits from the commuter shuttles:

- Reduction in private vehicle trips: Nearly half of all regional shuttle riders and 27 percent of all intra-city shuttle riders surveyed reported that they would drive alone for their commute if they did not have access to the shuttle service
- Reduction in car ownership rates: 59 percent of regional riders reported selling or forgoing purchase of a personal vehicle because of availability of the shuttle service, decreasing evening and weekend parking demand in San Francisco neighborhoods
- Increased use of transit, walking, biking, and other sustainable modes for non-commute trips
- Annual reductions of at least 45 million vehicle miles and 11,000 tons of greenhouse gas emissions

Residents, elected officials, shuttle sector members, Muni operators, parking control officers, and Muni inspectors have requested that the SFMTA establish clear rules about where shuttles may and may not stop. The SFMTA has worked with shuttle sponsors and the shuttle transportation service providers to develop an approach that minimizes impacts on Muni and other users while supporting the shuttle sector and the benefits it provides.

Guiding principles

The following high-level policy principles inform this proposal:

1. Provide a safe environment for commuter shuttle riders as well as other street users
2. Support the commuter shuttle operations
3. Integrate commuter shuttles into the existing multi-modal transportation system
4. Ensure that commuter shuttles do not adversely affect operations of public transportation in San Francisco
5. Consistently and fairly apply and enforce any regulations/policies governing shuttle operations
6. Work collaboratively with shuttle sector to develop policies and resolve concerns and conflicts
7. Establish a program structure that meets current needs, and that has the potential to evolve as the sector grows and needs change
8. Develop processes with attention to effective enforcement and ease of administration and on-going oversight

Related SFMTA Strategic Plan goals

The proposed policy supports the following SFMTA Strategic Plan goals:

- 1.3: Improve the safety of the transportation system
- 2.3: Increase use of all non-private auto modes
- 3.2 Improve the transportation system's positive impact to the economy
- 4.4 Improve relationships with our partners and stakeholders

The pilot approach to designating and managing shuttle stops in San Francisco aims to maximize the benefits shuttles deliver while minimizing their impacts.

Proposal

The SFMTA proposes an 18-month pilot, the Shuttle Partners Program that would create a network of shared stops for use by Muni and those commuter shuttle buses that participate in the Shuttle Partners Program, as described below.

Eligibility

The proposed pilot applies to privately operated transportation services that move commuters to, from, and within San Francisco. Services that are arranged by an employer, building, or institution to provide transportation home to work, work to home, last-mile to work, or work site to work site are eligible to participate in this program. These services warrant a pilot program to test sharing because:

- Service is routine (following set schedules) and involves relatively uniform number of vehicles
- Service reduces greenhouse gas emissions and vehicle miles traveled
- Operations are conducive to sharing with Muni at certain stops
- Operators are commercially licensed and subject to regulation, including safety and insurance requirements, by the California Public Utilities Commission (CPUC), and comply with commercial CPUC requirements
- Operations complement, but do not duplicate, existing public transportation services

The following users are not eligible to participate in the pilot:

- Tour or recreational buses, long-distance interurban buses: long dwell time and irregular stopping activity are not conducive to sharing with Muni
- Party buses: long dwell time and irregular stopping activity are not conducive to sharing with Muni are not conducive to sharing with Muni; system benefits not demonstrated
- On-call point-to-point services (airport shuttles, limousines, other on-demand transportation): irregular service, dwell time too long
- School buses: San Francisco has the authority to exempt school buses from stop restrictions and has not done so
- Private individual fare transportation (jitneys, transportation network companies (TNCs)): irregular use is not conducive to sharing; transportation system benefits have not been demonstrated
- Vanpool vehicles: Are exempt from critical CPUC safety, training, inspection regulations; drivers do not have commercial licenses.
- Services that replicate Muni routes: the purpose of this pilot is to support transportation services that expand transportation options through providing point to point services that are not provided by public transportation

Key elements

- The SFMTA will develop a network of approximately 200 shared Muni and shuttle stops
    - Shuttle transportation service providers propose which Muni stops should be considered to become shared stops
    - SFMTA will solicit input from residents, Muni operations on street conditions to consider when evaluating proposed stops
    - SFMTA traffic engineering and service planning staff will evaluate proposed stops in light of shuttle sector preferences, street conditions, Muni operations, and stop configuration
    - A SFMTA public hearing, and associated notification, will be required to approve network of shared stops

- Shuttle service providers would apply for a permit to use network, and pay a fee for permit
- Permittees will be responsible for ensuring that their operators comply with agreed-upon operating guidelines, including displaying a placard that identifies them as a permitted user
- Parking Control Officers, Muni Inspectors would enforce stopping at shared stops in order to limit the use of such stops only to Muni and permittees
- Permittees will share data on operations with the SFMTA, following specifications established by the SFMTA

Alternatives considered

The SFMTA considered the following alternatives to the proposed pilot approach:

1. Prohibiting shuttles from all Muni zones and requiring them to use existing white zones, or to seek new white zones. This alternative was not pursued because it would require the establishment of a large network of new white zones, many of which would require parking removal. Given that data gathered from field observations indicated that sharing at certain kinds of stops would work, the SFMTA proposes to pursue the proposed option instead of pursuing parking removal for every shuttle stop.
2. Allow shuttles to use all Muni zones, with exceptions of those identified by the SFMTA as problematic. A guiding principle of this pilot is that it should test an approach that could expand over time as the shuttle sector evolves—piloting a network that has the capacity to grow better supports this key principle than authorizing a network that will shrink over time as Muni and shuttle demands increase. Additionally, the burden would be on the SFMTA to evaluate all of Muni's approximately 3000 stops and determine which may create problems. This approach would essentially legalize the current situation where shuttles use any Muni stop until conflicts result in filed complaints and an SFMTA investigation that leads to directions to operators to avoid problematic stops. The problems with the current approach were motivations for improved policy.

Pilot benefits

The pilot delivers benefits to both the City and to the shuttle sector.

Benefits to City include:

- Increased safety for all users, including pedestrians, bicyclists, public transit riders, and private vehicle drivers as shuttles operate according to agreed-upon guidelines
- Reduced impacts on Muni operations
- Reduced localized congestion

- Ability to quickly resolve conflicts, using identification and shared data
- Data to support more effective management of the roadway network for all users
- Information on shuttle activity, allowing effective communication and planning
- Shift commuters onto and keep commuters using sustainable non-single occupancy modes

Benefits to the shuttle sector include:

- Ability to propose and coordinate with SFMTA on approved locations for passenger loading/unloading
- Clarity on which stops are legal to use and which are illegal, a clear framework of enforcement and repercussions for violators
- Signage at approved zones will communicate allowed use to members of the public and enforcement
- Upgrade of some stops to accommodate shuttle vehicles as added users
- Ability to address issues and concerns quickly through partnership with the City
- Coordination with SFMTA on further improvement of transportation services and conditions
- Information about upcoming construction projects, street closures, and planning projects of interest that may affect shuttle services

Network development: application and approval process

The SFMTA will solicit applications from shuttle service providers for the purpose of determining which stops should be included in the shared Muni-shuttle stop network. The SFMTA will host an on-line submission system that allows shuttle service providers to identify specific Muni bus zones that they would like to use as part of the network. Shuttle service providers will also provide information about the type of vehicles that would use the stops, and the hours and frequency of the proposed stop use.

The SFMTA will solicit information from community members about specific street and traffic conditions that may be relevant to the inclusion or exclusion of specific stops within the network of shared stops. The SFMTA will host two open-house style community workshops and an interactive webpage with instructions in English, Spanish, and Chinese to invite members of the community to provide location-specific information for consideration. Similar information will be solicited from Muni operators and supervisors.

SFMTA transit service planning and engineering staff will review proposed stops, identifying potential impacts provided by community input as well as information about Muni operations and stop configurations to recommend a network of shared stops. Where existing Muni stops are not long enough to accommodate shuttle use and an extension of the zone is warranted, the SFMTA may suggest lengthening the zone or creating an adjacent shuttle zone by restricting use of adjacent parking spaces during peak hours, subject to a public hearing. Staff may also suggest the creation of separate white zones to accommodate shuttles at locations where sharing is not feasible, which would also be subject to public

hearing.

SFMTA staff and the Transportation Advisory Staff Committee (TASC) have reviewed and contributed to this policy proposal. A proposed network of shared stops, along with any stop extensions other curb changes, will be subject to public notification and a SFMTA public hearing.

The SFMTA may review and move the list of proposed shared stops forward as a package through the approval process. The SFMTA would approve the shared zones based on technical merit and the goal of supporting shuttles as an auto vehicle miles traveled and greenhouse gas emissions reduction strategy. The SFMTA reserves the right to reject a proposed space or remove it from the approvals process at any time and for any reason.

Requests for a limited number of additional shared stops may be submitted and considered on a rolling basis throughout the term of the pilot program. However, the intention is that most of the shared stops will be identified and approved at the outset of the pilot program.

Any Muni stop not formally approved by the SFMTA as a shared stop will remain, by default, not an allowable or legal stop for private shuttles. Violators will be subject to citations.

Permit and use fee

The SFMTA would charge each participating shuttle provider a permit and use fee of $1 per stop event per day. A "stop event" is defined as an individual instance of stopping at the shared zone. For example, a shuttle service provider that uses 5 shared zones 10 times a day would submit a permit application requesting permission to make 50 stop events a day and, if approved, the SFMTA would charge this shuttle service provider $50 per day.

The permit and use fee has been developed using a cost-recovery basis and includes both upfront and on-going costs associated with the pilot:

Upfront costs:

- Development of stop proposal system (map-based web interface)
- Evaluation of proposed stops
- Signage and placard design
- Signage and placard production
- Sign installation
- Data management system development
- Permit processing

On-going costs:

- Enforcement
- Data system and management
- Day to day oversight and administration
- Billing, collection, payment processing
- Evaluation

An average of 4,121 stop events per day was assumed in deriving the cost per stop-event. This number reflects the SFMTA's knowledge of existing commuter shuttle stop events in Muni zones based on data collected from shuttle sponsors and service providers in 2012. The exact per-stop fee may be revised based on total stop-events identified by the permit applicants.

Permit application

After the network of shared stops is approved, shuttle service providers may apply for permits. An initial permit will be issued for the first six months of the program, followed by a renewal (or adjusted) twelve-month permit for the remainder of the program.

The permit application form will request the following:

- Company name, point of contact, contact information
- Billing address
- Number of stop events anticipated for term of the permit
- Total number of shuttle vehicles that may be used for shuttle service, and make and license number
- Total number of placards requested
- Documentation of the applicant's registration status with the CPUC and any other verification of eligibility
- Agreement to comply with all terms of permit

Fee collection

The SFMTA will invoice approved permittees at the time of permit approval. The fee will be collected twice during the program: upfront for the first six months and then upfront for the following 12 months.

Shuttle providers that increase service during the course of the program shall notify the SFMTA project manager and pay for additional stop usage.

The SFMTA will conduct reconciliation every six months to compare the number of stop events paid for with the number of stop events made, and will invoice firms for additional stop events made. The SFMTA will not issue refunds for anticipated stop events that are not made as the cost recovery calculation is based on a certain level of overall stop events. If a service provider's actual stop events exceed the number of stop events paid for the SFMTA will invoice for the difference. If actual stop events exceed the number of stop events paid for by more than 10 percent, the SFMTA will assess a penalty fee of 10 percent of the unpaid cost in addition to invoicing for the excess stop events.

Any invoices sent by the SFMTA are due and payable within 30 days of invoice date. Late payment will be subject to interest.

Payment of all outstanding fees, penalties and outstanding citations must be made prior to the issuance of any continuing permit.

The SFMTA may also impose an administrative fee for lack of compliance or performance of permit

conditions.

The SFMTA will not reimburse any permit and use fees, regardless if a permittee stops using the shared network by choice or because of permit revocation associated with non-compliance.

Permit terms

A permit authorizing shuttle partners' (Permittee's) commuter shuttles to make shared use of selected Muni stops ("Designated Stops") would contain the following key conditions and requirements:

1. Permittee must indemnify SFMTA/City of SF for injuries or damage resulting from Permittee's use of Designated Stops, including associated bus shelters and other related sidewalk features
2. Permittee vehicles must display placard issued by SFMTA at specified location on front and rear of vehicle(s) at all times when operating commuter service in San Francisco
3. Permittee must comply with operating guidelines:
    a) *Muni priority*: Muni buses have priority at and approaching or departing Designated Stops
    b) *Yield to Muni*: Where Muni or other public transit buses are approaching a Designated Stop and when safe to do so, allow such buses to pass so they may stop at Designated Stops first
    c) *Stay within the network*: Permittees shall stop only at Designated Stops or other non-Muni zones
    d) *Active loading*; *No staging or idling:* Designated Stops may be used only for active loading and unloading; shuttles must load and unload riders as quickly and safely as possible. Staging must take place outside of any Designated Stops, consistent with parking regulations
    e) *Move forward*: Shuttle drivers shall pull forward in a Designated Stop to leave room for Muni or other shuttles
    f) *Pull in*: Shuttle drivers shall pull all the way to, and parallel with, the curb for passenger boarding and alighting; loading and unloading shall not take place in a vehicle or bicycle lane, or in a manner that impedes travel in these lanes
    g) *Comply with all applicable traffic laws*: Shuttles shall be operating in accordance with all applicable state and local traffic laws
    h) *Circulation*: Permittees shall stay on arterial streets and avoid steep and/or narrow streets to the extent possible. Permittees shall comply with all relevant street and lane restrictions

i) *Training*: Permittees shall ensure that training for shuttle drivers addresses these operating guidelines

j) *Follow instruction from officials and traffic control devices:* Shuttle drivers shall follow instructions from police officers, authorized SFMTA staff, including Parking Control Officers, and traffic control devices in the event of emergencies, construction work, special events, or other unusual traffic conditions

4. Provide data feeds per SFMTA specifications
5. Pay permit fee
6. Promptly pay any outstanding traffic citation
7. Demonstrate compliance with all applicable regulatory requirements imposed by the CPUC, including registration/permitting, insurance, and vehicle inspection requirements, as well as standards for drivers

An administrative penalty fee may be issued and/or a permit may be revoked for failure to comply with permit terms.

Identification of shared stops

The SFMTA will approve a set of approximately 200 Muni stops available for use by participating shuttle programs members during the period of the pilot. These stops will bear signage indicating that they are part of the approved shared network. The signage will use a logo and design consistent with the on-vehicle shuttle placards.

For those locations where stop extensions are deemed appropriate and receive approval, the SFMTA will paint the curb and fabricate and install signage indicating the location as a shuttle stop.

Regulation and enforcement

The SFMTA will develop and issue placards that identify permitted shuttle vehicles. Enforcement personnel will rely on display of the placard on the front and rear of the vehicle to verify legitimate users of the shared stops. Additionally, the placards will each bear a unique identification number that is associated with the shuttle service provider so that the SFMTA may easily contact the correct shuttle service provider regarding any complaint and concern. Each shuttle must have a placard affixed in agreed-upon visible locations in the front window and rear during permit-related operation in San Francisco.

Placards shall be assigned to the shuttle service provider, rather than to individual vehicles, to allow for flexibility of fleet management.

Parking Control Officers and Muni Inspectors will enforce compliance with the program, issuing citations for actions such as:

- Non-permitted shuttles using shared stops

- Any shuttle (permitted or non) using Muni stops not designated as part of the shared network
- Any shuttle (permitted or non) loading or unloading in a bicycle or mixed flow lane

In addition to parking citations, other penalties associated with the program include:

- Late payment will be subject to interest
- Stop events exceeding those paid for and permitted: If actual stop events exceed the number of stop events paid for by more than 10 percent, the SFMTA will assess a penalty fee of 10 percent of the unpaid cost in addition to invoicing for the excess stop events
- Non-compliance with permit terms: The SFMTA may impose an administrative fee and/or revoke a permit for lack of compliance or performance of permit conditions

Data

Three sets of data are needed for the shuttles pilot program: data to inform the network of shared stops, data to support the program during implementation, and data to evaluate the program.

Network set-up data

The SFMTA will invite shuttle service providers to identify which stops should be considered for inclusion in the network of shared Muni-Shuttle stops. The SFMTA will establish a web-based map interface for proposal submissions. SFMTA traffic engineering and transit operations staff will evaluate these proposed stops for inclusion in the network.

In the submission process, the SFMTA will request the following information:

- Bus stop location (the map will allow a user to identify a Muni stop by location, which will be connected to the bus stop ID and associated information about Muni activity and stop configuration from the SFMTA's bus stop ID database)
- Frequency and hours of use of any stop
- Vehicle make and length for vehicles anticipated to use the stop

This information will be requested by from each shuttle service provider so that SFMTA evaluation may account for intensity of use at each proposed stop.

Program support data

The SFMTA proposes to collect data during the course of the pilot program that will directly support the implementation of the pilot and that will enable the SFTMA to better manage the transportation network –providing a benefit for the shuttle sector and other transportation system users. The SFMTA intends to collect data fields such as:

- Fleet identification number
- Vehicle types in fleet

- Route by latitude/longitude
- Stop ID
- Stop usage
- Number of vehicles, by stop ID
- Frequency of use, by stop ID
- Speed of travel

Permittees will provide GPS data captured while operating in San Francisco. GPS data will provide the granularity and consistency of information needed to achieve the following:

- Focus enforcement efforts: queries to assess where stops are being made outside of the network will support enforcement approach
- Respond to complaints: identifying specific companies associated with complaints
- Audit: collect fees for stops events made that exceed those paid for
- Prioritize stops for passenger amenities: stop use would inform which stops should receive passenger amenities such as shelters
- Respond to hot spots: Identification of areas where there is a high concentration of shuttles may result in parking and traffic changes to address the high demand for loading/unloading space
- Prevent delay on key corridors: Identification of delay hot spots could lead to suggested shuttle route segment changes
- Establish average speeds of roadways: and understand how speeds and system operation are affected by temporary and permanent projects
- Engage in dynamic communications and routing: address public concerns, special events, emergencies, construction, and other routing needs with appropriate operators

Uniform inputs will enable the SFMTA to analyze data efficiently and to integrate data from shuttles with data from other modes. Data feeds from individual providers and vehicles will allow targeted communications to address conflicts and resolve problems, and is fundamental to effective auditing.

Permittees will equip each shuttle bus with an on-board device that can provide real time location data to the SFMTA, and shall maintain a continuous feed of the specified data while the shuttle is used in San Francisco for commuter shuttle service. If the permittee cannot provide the required data in accordance with SFMTA specifications, the permittee will install an on-board diagnostic device prescribed by the SFMTA in each permitted shuttle vehicle.

Evaluation

The SFMTA will evaluate the pilot program to assess how well it addresses conflicts between Muni and private commuter shuttles, and how well it encourages and facilitates shuttle operation, as well as environmental benefits.

The SFMTA will collect information from shuttle providers such as vehicle and fuel type, ridership, and shuttle miles traveled from shuttle providers for the environmental benefits assessment.

The SFMTA will conduct before and after field data observations on sample stops to compare shuttle operations and impacts on other users. The SFMTA will track the following data through auditing GPS feeds, enforcement reports, 311 complaints and requests, field observations, citations, and other communications to the SFMTA:

- Complaints about shuttle activities, including from Muni operators
- Incidents of shuttle-Muni, shuttle-shuttle, and shuttle-other user conflicts
- Violations of operating guidelines by shuttle operators
- Citations issued

The SFMTA will also evaluate the program's structure, administration, enforcement, and actual costs.

Communications

The SFMTA has been working with members of the shuttle sector to develop the pilot program. Additionally, staff has had communications with interested residents and district Supervisors. SFMTA staff presented the policy framework to the Policy and Governance Committee of the SFMTA Board, the SFMTA Citizens Advisory Council, and the San Francisco County Transportation Authority Citizens Advisory Committee.

The SFMTA will use a variety of media to notify stakeholders of the pilot and associated policies.

Pre-pilot input and notification

The SFMTA maintains a database of known members of the commuter shuttle sector. Staff will use contacts from this database, as well as communications via business groups and business-facing news outlets to ensure that information about the new program is distributed to companies that provide shuttle services.

The SFMTA will hold two community open houses to gather information about neighborhood preferences and specific street conditions that SFMTA staff will include in evaluating the proposed stops and developing the pilot network. Additionally, the SFMTA will host a multi-lingual web-based input system for those who cannot or do not wish to attend an in-person event. The SFMTA will distribute information to community organizations about the community open houses and the web-based input opportunity. SFMTA staff will work with Board of Supervisors offices to notify community organizations in each district and to include information in district newsletters. SFMTA will also announce these input opportunities via Facebook and through a press release.

Muni operators and supervisors will also provide input on street and stop conditions for consideration. Outreach to Muni operators and supervisors will include presentations at

division safety meetings.

In advance of the pilot's commencement, the SFMTA will develop bulletins for Muni operators, Muni inspectors, and parking control operators that outline which stops will be shared, the expected operating guidelines, and instructions for reporting and citing non-compliance. SFMTA will also communicate the new pilot to the San Francisco Police Department.

The SFMTA will provide a set of training slides that outline program expectations that shuttle service providers will deliver in operator trainings.

Communications during pilot

The SFMTA website will include information about the pilot shuttle service providers and for community members. It will also provide instructions for members of the public to submit complaints, comments, and questions.

Placards on shuttle vehicles will include a logo and year that identifies the shuttle as a current participant in the MPP as well as a number that will assist the SFMTA in identifying the shuttle service provider.

Signs identifying stops that are part of the network will be affixed to bus stop signage. The design of these signs will coordinate with the on-vehicle placards to facilitate identification of approved use.

Environmental clearance

The SFMTA determined that the proposed modifications to the Transportation Code and the Commuter Shuttles Pilot Program are categorically exempt from environmental review under Class 6 (information collection activities which do not result in a serious or major disturbance to an environmental resource). The City Planning Department issued a concurrence with this determination.

Changes to Transportation Code

The proposal would require changes to Division II of the Transportation Code, amending it to add Section 914, which articulates the shuttle permit pilot program.

Post-pilot

If the pilot evaluation demonstrates that sharing designated Muni zones with commuter shuttles successfully reduces conflicts and supports commuter shuttle operations, the SFMTA may consider:

a) Making the pilot network permanent; or,
b) Revising or expanding the network and making it permanent.

If the pilot does not demonstrate that sharing designated Muni zones with commuter shuttles successfully reduces conflicts and supports commuter shuttle operations, the

SFMTA may consider whether any refinements in the approach would address remaining problems, and may consider a second pilot term to test these. If the conclusion is that commuter shuttles and Muni are not compatible at any shared stops, the SFMTA may then consider requiring that commuter shuttles pursue creation of white zones for shuttle stops.

Implementation timeline

- *January-February 2014*: Solicit stop location proposals. Design and fabricate placards and stop signage Solicit input from
- *May 2014*: Recommend shared stops for pilot, public hearing to approve network. (install signage, inform enforcement, and provide placards). Establish implementation and staffing plan. Collect baseline data.
- *June 2014*: Process permit applications
- *July 2014*: Pilot commences.
- July 2014-December 2015: Pilot term

140143

From: Quigley, Corinne [cquigley@mofo.com]
Sent: Monday, March 24, 2014 9:45 AM
To: Lamug, Joy
Subject: Request to be added to distribution list for "Appeal of Determination of Exemption - SFMTA 14-023 Commuter Shuttle Policy and Pilot Program"

Ms. Lamug,

Please add me to the distribution list for the "Appeal of Determination of Exemption - SFMTA 14-023 Commuter Shuttle Policy and Pilot Program."

Thank you,
Corinne

Corinne Quigley
Morrison & Foerster LLP
425 Market St. | San Francisco, CA 94105
P: (415) 268.6249 | F: (415) 276.7405
cquigley@mofo.com | www.mofo.com

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File # 140143

From: Board of Supervisors
To: BOS-Supervisors; Lamug, Joy
Subject: FW: Letter re: Appeal of SFMTA Resolution No. 14-023
Attachments: BAC Shuttles Appeal.pdf

From: Adrian Covert [mailto:acovert@bayareacouncil.org]
Sent: Friday, March 21, 2014 11:34 AM
To: Board of Supervisors
Subject: Letter re: Appeal of SFMTA Resolution No. 14-023

Dear Ms. Calvillo,

Please find the attached letter from the Bay Area Council regarding the appeal of SFMTA resolution no. 14-023. Please contact me if you have any questions.

Best,

Adrian

Adrian Covert | Policy Manager | **BAYAREA** COUNCIL
353 Sacramento Street, 10th Floor | San Francisco, CA 94111
o: 415-946-8746 | c: 415-519-9141 | www.bayareacouncil.org/join

BAYAREA COUNCIL

March 21, 2014

President David Chiu
c/o Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors of the City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Appeal of SFMTA Resolution No. 14-023, CEQA Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program and amending Transportation Code, Division II, and Approval of Motion to Suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order Regarding Published Notice (January 21, 2014)

Dear President Chiu and the Honorable Members of the Board of Supervisors:

We write today to respectfully request that the Board reject the appeal of SFMTA Resolution no. 14-023.

The appeal in question concerns the determination of the San Francisco Municipal Transportation Agency (SFMTA) that a categorical exemption under CEQA allows it to run an 18-month pilot program that would impose interim regulations on private employee shuttle operations in San Francisco, in order to gather data on which to base permanent regulations. An estimated 35,000 San Francisco residents rely on these shuttles to commute to school and work daily. The SFMTA estimates that these shuttles eliminate at least 327,000 single-passenger car trips and 11,000 tons of carbon annually.

Under present law, employee shuttles are legally permitted to operate in San Francisco by the California Public Utilities Commission. The SFMTA pilot program does not, and cannot, change this. The SFMTA can, however, impose regulations to improve the flow of all vehicles within the city. Alternative transportation options are consistent with both the city's Commuter Benefits Ordinance and Transit-First policy, so the SFMTA has sought to impose regulations to maximize the traffic and emissions benefits of employee shuttles while minimizing neighborhood conflicts and impacts.

By its own account, the SFMTA does not currently have enough information about the employee shuttle system to craft permanent regulations, or to conduct CEQA review of

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San Francisco, California 94111

such permanent regulations. To obtain this information, the SFMTA has crafted an 18-month pilot program for which it has asserted a "Class 6" categorical exemption from CEQA. This exemption is a critical tool that CEQA provides to allow policy officials to experiment with various approaches to complicated policy challenges. The city routinely invokes the "Class 6" exemption, and has recently used it to implement the *SFPark* pilot program, the *Regional Bicycle Sharing* pilot program, and various parking and pedestrian changes recommended by the WalkFirst report (see attachments).

While the pilot program proceeds, shuttle operations will be improved through enhanced communications and control under the SFMTA, resulting in fewer cars, reduced emissions and greater regulatory oversight of the shuttle system. It is, therefore, squarely in line with the goals and purpose of CEQA. Once the pilot program is completed, the city and the SFMTA will have the necessary data to craft both a more permanent policy solution and implement the appropriate level of CEQA review.

We respectfully request that you support bringing common-sense regulation to the employee shuttle network by voting to reject this appeal.

Thank you for considering our position.

Respectfully,

Matt Regan
Vice President, Public Policy
Bay Area Council

Adrian Covert
Policy Manager
Bay Area Council

THIS PRINT COVERS CALENDAR ITEM NO.: 10.4

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY

DIVISION: Sustainable Streets

BRIEF DESCRIPTION:

Requesting that the San Francisco Municipal Transportation Agency Board of Directors approve a pilot project to implement various parking and pedestrian changes in the Persia Triangle area.

SUMMARY:

- The City's WalkFirst Report recommends various near-term changes to increase pedestrian safety in the Persia Triangle area
- The SF Planning Department has requested a pilot project to implement various parking and pedestrian changes in the Persia Triangle area for a nine month period.
- The SF Planning Department has determined that the pilot project is exempt from environmental review pursuant to Title 14 of the California Code of Regulations Section 15306 as a Class 6 (Information Collection) categorical exemption.

ENCLOSURES:
A. SFMTAB Resolution

APPROVALS:		**DATE**
DIRECTOR		2/10/14
SECRETARY	R. Boomer	2/10/14

ASSIGNED SFMTAB CALENDAR DATE: February 18, 2014

PURPOSE

Requesting approval by the San Francisco Municipal Transportation Agency Board of Directors of a pilot project to implement various parking and pedestrian changes in the Persia Triangle area

GOAL

This action supports the following SFMTA Strategic Plan Goal and Objectives:

Goal 1: Create a safer transportation experience for everyone
- Objective 1.3: Improve the safety of the transportation system.

Goal 2: Make transit, walking, bicycling, taxi, ridesharing and carsharing the preferred means of travel
- Objective 2.1: Improve customer service and communications.
- Objective 2.2: Improve transit performance.
- Objective 2.3: Increase use of all non-private auto modes.
- Objective 2.4: Improve parking utilization and manage parking demand.

DESCRIPTION

The "Persia Triangle" is the area bounded by Mission Street, Ocean Avenue, and Persia Avenue. In the past five years, there have been seven collisions involving pedestrians in the Persia Triangle area. In addition, there was a desire to enhance street lighting. As a result, the City's WalkFirst Report recommends various near-term changes to enhance pedestrian safety in this area. With support from Supervisor John Avalos and the community, the Planning Department, proposes a pilot project to implement several temporary street changes to ensure pedestrian safety in advance of work being planned for the fall of 2014.

The proposed parking and pedestrian changes will provide the opportunity for the SFMTA to gather information and collect data to study the effects of these changes on the Persia Triangle area that will help inform future implementation of additional pedestrian scale streetlight fixtures, permanent parking and pedestrian changes including bulb outs in the area. Pending analysis of these temporary changes and feedback from the community, the permanent construction of pedestrian bulb outs may follow as part of an upcoming Department of Public Works (DPW) Ocean Avenue paving project, with construction scheduled to begin in fall 2014.

As part of the pilot, temporary paint will be applied to the southwest and southeast corners at the intersection of Persia and Ocean Avenues to simulate a pedestrian bulb-out. Temporary sidewalk extensions will be simulated with planter boxes, tables and chairs, on Ocean Avenue, west of Mission Street (north and south sides), and on the west side of Mission Street, south of Ocean Avenue. Parking changes on the north side of Ocean Avenue include the relocation of a blue zone 20 feet west to accommodate additional space for a temporary sidewalk extension. One parking meter will be removed as a result of the blue zone relocation. There will be no parking changes on the south side of Ocean Avenue due to an existing red zone.

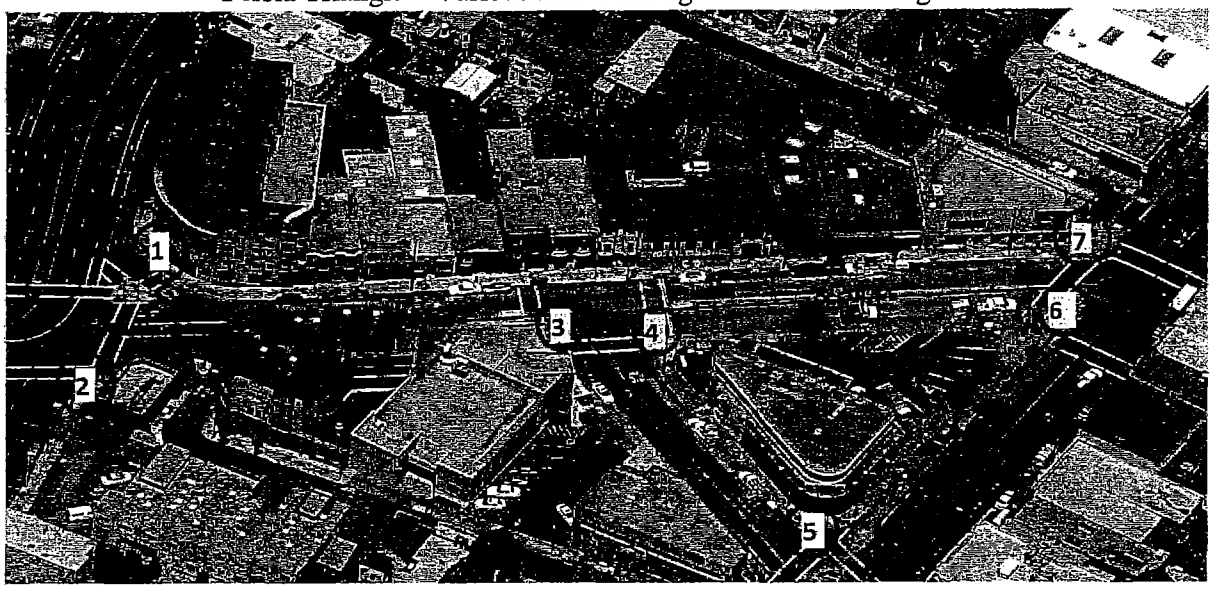
Please see the graphic on Page 3 for a location map of the proposed changes.

MUNI lines #14 and 49 run through the pilot area but there will be no impact to transit service. As part of this pilot, the following items were discussed at the December 6th, SFMTA public hearing:

A. ESTABLISH – NO PARKING ANYTIME and RESCIND – BLUE ZONE - Ocean Avenue, north side, from Mission Street, 15 feet to 35 feet westerly (extends existing 15' Red Zone to 35').
PH 12/06/13 Requested by SF Planning.

B. ESTABLISH – BLUE ZONE and RESCIND – PARKING METER - Ocean Avenue, north side, from Mission Street, 35 feet to 55 feet westerly (convert Parking Meter #6)
PH 12/06/13 Requested by SF Planning.

Persia Triangle – Various Street Changes – Pilot and Long-Term



Location	Pilot	○ Long-Term
1	N/A	Re-align NE corner of Alemany/Ocean (Remove WB Right-Turn Slip Lane)
2	N/A	Re-align SE corner of Alemany/Ocean (Square up curb return)
3	Temporary bulb-out on SW corner of Ocean/Persia	Permanent bulb-out on SW corner of Ocean/Persia
4	Temporary bulb-out on SE corner of Ocean/Persia	Permanent bulb-out on SE corner of Ocean/Persia
5	N/A	Permanent bulb-out on NW corner of Mission/Persia
6	Temporary sidewalk extension on SW corner of Mission/Ocean	Permanent sidewalk extension on SW corner of Mission/Ocean
7	Temporary sidewalk extension on NW corner of Mission/Ocean	Permanent sidewalk extension on NW corner of Mission/Ocean

FUNDING IMPACT

The SF Planning Department will provide the funds to implement the pilot project.

OTHER APPROVALS RECEIVED

On December 19, 2013, the San Francisco Planning Department determined that the proposed implementation of parking and pedestrian changes in the Persia Triangle area for a nine month period was exempt from environmental review pursuant to Title 14 of the California Code of Regulations Section 15306 as a Class 6 (Information Collection) categorical exemption. The Planning Department's determination is on file with the Secretary to the SFMTA Board of Directors. The proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31.

The City Attorney's Office has reviewed this calendar item.

RECOMMENDATION

SFMTA staff recommend that the SFMTA Board of Directors approve a pilot project to implement various parking and pedestrian changes in the Persia Triangle

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The San Francisco Municipal Transportation Agency has received a request, and identified a need for parking modifications as part of a pilot project in the Persia Triangle area as follows:

A. ESTABLISH – NO PARKING ANYTIME and RESCIND – BLUE ZONE - Ocean Avenue, north side, from Mission Street, 15 feet to 35 feet westerly (extends existing 15' Red Zone to 35').
B. ESTABLISH – BLUE ZONE and RESCIND – PARKING METER - Ocean Avenue, north side, from Mission Street, 35 feet to 55 feet westerly (convert Parking Meter #6)

WHEREAS, On December 19, 2013, the San Francisco Planning Department determined that the proposed implementation of parking and pedestrian changes in the Persia Triangle area for a nine month period was exempt from environmental review pursuant to Title 14 of the California Code of Regulations Section 15306 as a Class 6 (Information Collection) categorical exemption; and,

WHEREAS, The proposed parking and pedestrian changes will provide the opportunity for the SFMTA to gather information and collect data to study the effects of these changes on the Persia Triangle area that will help inform future implementation of permanent parking and pedestrian changes including bulb outs in the area; and,

WHEREAS, A copy of the San Francisco Planning Department's determination is on file with the Secretary to the SFMTA Board of Directors. The proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31; and,

WHEREAS, The public has been notified about the proposed modifications and has been given the opportunity to comment on those modifications through the public hearing process; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves a pilot project to implement various parking and pedestrian changes in the Persia Triangle and authorizes the traffic modifications as stated in this resolution.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of February 18, 2014.

_____
Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

THIS PRINT COVERS CALENDAR ITEM NO. : 10.3

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Authorizing the San Francisco Municipal Transportation Agency (SFMTA), through its Director of Transportation (or his designee), to accept and expend up to $432,932 in FY 2013/14 Transportation Development Act, Article 3 (TDA) funds for bicycle facility projects.

SUMMARY:

- SFMTA requests authority to accept and expend up to $432,932 in FY 2013/14 TDA grant funds for bicycle facility projects.
- The choice of funded projects is based on input SFMTA received from various community groups, such as the San Francisco Bicycle Coalition and the Board of Supervisors' Bicycle Advisory Committee.
- The acceptance and expenditure of these grant funds also requires approval from the Board of Supervisors because these projects are combined with projects from DPW to be presented to the Metropolitan Transportation Commission (MTC) as a countywide program of projects using these TDA funds.
- MTC requires that the SFMTA Board Resolution describe how the SFMTA will comply with the MTC's policies governing project delivery.

ENCLOSURES:

1. SFMTAB Resolution
2. Proposed FY14 TDA 3 Project List

APPROVALS:		**DATE**
DIRECTOR	_____	May 28, 2013
SECRETARY	_____	May 28, 2013

ASSIGNED SFMTAB CALENDAR DATE: June 4, 2013

PURPOSE

Authorizing the San Francisco Municipal Transportation Agency (SFMTA), through its Director of Transportation (or his designee), to accept and expend up to $432,932 in FY 2013/14 Transportation Development Act, Article 3 (TDA) funds for bicycle facility projects.

GOAL

This request supports the following SFMTA Strategic Plan Goal:

Goal 2: Make transit, walking, bicycling, taxi, ridesharing and carsharing the preferred means of travel.
Objective 2.3 – Increase use of all non-private auto modes.

Goal 3: Improve the environment and quality of life in San Francisco.
Objective 3.1 – Reduce the Agency's and the transportation system's resource consumption, emissions, waste, and noise.
Objective 3.3 - Allocate capital resources effectively.
Objective 3.5 – Reduce capital and operating structural deficits.

DESCRIPTION

Article 3 of the TDA authorizes disbursement of funds for bicycle and pedestrian purposes. Within the nine-county Bay Area, the Metropolitan Transportation Commission (MTC) administers TDA funds. Funds are to be evenly split between the Department of Public Works (DPW) for pedestrian facilities and the SFMTA for bicycle projects. This year, like most years, DPW and the SFMTA are jointly preparing a unified, countywide TDA Article 3.0 request for funding, consistent with MTC's directions.

The SFMTA proposes to use these funds for the bicycle facility projects detailed on the Proposed FY14 TDA 3 Project List that include:

1. Regional Bicycle Sharing Pilot
2. Bicycle Parking
3. Bicycle Projects Coordination with Near Term Repaving Projects
4. Post Construction Evaluation
5. General Bicycle Facility Fund

MTC requires that the SFMTA Board Resolution describe how the SFMTA will comply with the MTC's policies governing project delivery. These requirements include:

1. That the SFMTA is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of TDA funds, nor is the SFMTA legally impeded from undertaking the project(s) described in the "Proposed FY14 TDA 3 Project List" of this resolution.
2. That the SFMTA will commit adequate staffing resources to complete the project(s) described in the Proposed FY14 TDA 3 Project List.

3. A review of the project(s) described in the Proposed FY14 TDA 3 Project List has resulted in the consideration of all pertinent matters, including those related to environmental review and right-of-way permits attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental review and right-of-way permits for the projects described in the Proposed FY14 TDA 3 Project List have been reviewed or will be reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in the Proposed FY14 TDA 3 Project List will comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in the Proposed FY14 TDA 3 Project List, the sources of funding other than TDA will be either programmed or allocated and adequate for completion of the project(s). Most projects will be 100% TDA funded.
7. That the project(s) described in the Proposed FY14 TDA 3 Project List are for capital construction and/or design engineering of bicycle facility projects.
8. That the project(s) described in the Proposed FY14 TDA 3 Project List which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370, et seq.).
10. That the project(s) described in the Proposed FY14 TDA 3 Project List are ready to commence implementation during the fiscal year of the requested allocation.
11. That the SFMTA agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in the Proposed FY14 TDA 3 Project List, for the benefit of and use by the public.

ALTERNATIVES CONSIDERED

The two alternatives are not to pursue the TDA funds which will leave the SFMTA's capital program in deficit, or to find alternative funds from other capital programs to fund the proposed project.

FUNDING IMPACT

No matching funds are required.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The bicycle facility projects to be funded by TDA listed in the Proposed FY14 TDA 3 Project List are from a pool of projects identified in the 2009 SFMTA Bicycle Plan for which a Notice of Determination was issued by the San Francisco Planning Department (Planning Department) on August 14, 2009.

In addition, the Planning Department determined that Regional Bicycle Sharing Pilot project was categorically exempt from environmental review under Class 6: information collection activities which do not result in a serious or major disturbance to an environmental resource on May 18, 2012. A copy of these determinations is on file with the Secretary for the SFMTA Board of Directors.

With respect to the Regional Bicycle Sharing Pilot project, the SFMTA and the contractor for the project will be working with DPW to obtain any required permits for implementation of the project in the public rights-of-way.

The acceptance and expenditure of these grant funds requires approval from the Board of Supervisors because these projects are combined with projects from DPW to be presented to the MTC as a countywide program of projects using TDA Article 3 funds.

The City Attorney has reviewed this report.

RECOMMENDATION

Staff recommends that the SFMTA Board authorize the San Francisco Municipal Transportation Agency (SFMTA), through its Director of Transportation (or his designee), to accept and expend up to $432,932 in FY 2013/14 Transportation Development Act, Article 3 (TDA) funds for various the bicycle facility projects as set forth in the Proposed FY14 TDA 3 Project List.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, With input from the San Francisco Bicycle Coalition, the Board of Supervisors' Bicycle Advisory Committee, and community groups, the San Francisco Municipal Transportation Agency (SFMTA) has identified a need for various bicycle projects and programs to improve and enhance bicycling as a safe, viable transportation option; and,

WHEREAS, The SFMTA will apply to the Metropolitan Transportation Commission (MTC) for up to $432,932 in FY13/14 Transportation Development Act, Article 3 (TDA) funds for bicycle facility projects; and,

WHEREAS, The SFMTA intends to fund the following bicycle facility projects with the FY13/14 TDA funds with detailed project descriptions the Proposed FY14 TDA 3 Project List:

1. Regional Bicycle Sharing Pilot
2. Bicycle Parking
3. Bicycle Project Coordination with Near Term Repaving Projects
4. Post Construction Evaluation
5. General Bicycle Facility Fund

WHEREAS, The bicycle facility projects to be funded by TDA listed in the Proposed FY14 TDA 3 Project List are from a pool of projects identified in the 2009 SFMTA Bicycle Plan for which a Notice of Determination was issued by the San Francisco Planning Department (Planning Department) on August 14, 2009; and,

WHEREAS, The Planning Department also determined that Regional Bicycle Sharing Pilot project was categorically exempt from environmental review under Class 6: information collection activities which do not result in a serious or major disturbance to an environmental resource on May 18, 2012; and,

WHEREAS, A copy of these determinations are on file with the Secretary for the SFMTA Board of Directors; and,

WHEREAS, With respect to the Regional Bicycle Sharing Pilot project, the SFMTA and the contractor for the project will be working with DPW to obtain any required permits for implementation of the project in the public rights-of-way; and,

WHEREAS, The acceptance and expenditure of these grant funds requires approval from the Board of Supervisors because these projects are combined with projects from DPW to be presented to the MTC as a countywide program of projects using TDA Article 3 funds; and,

WHEREAS, As part of the application for TDA grant funds, MTC requires a resolution adopted by the SFMTA Board stating the following:

1. That the SFMTA is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of TDA funds, nor is the SFMTA legally impeded from undertaking the project(s) described in the "Proposed FY14 TDA 3 Project List" of this resolution.
2. That the SFMTA will commit adequate staffing resources to complete the project(s) described in the Proposed FY14 TDA 3 Project List.
3. A review of the project(s) described in the Proposed FY14 TDA 3 Project List has resulted in the consideration of all pertinent matters, including those related to environmental review and right-of-way permits attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the Proposed FY14 TDA 3 Project List have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in the Proposed FY14 TDA 3 Project List comply or will comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000, *et seq.*).
6. That as portrayed in the budgetary description(s) of the project(s) in the Proposed FY14 TDA 3 Project List, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in the Proposed FY14 TDA 3 Project List are for capital construction and/or design engineering of bicycle facility projects.
8. That the project(s) described in the Proposed FY14 TDA 3 Project List which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370, *et seq.*).
10. That the project(s) described in the Proposed FY14 TDA 3 Project List are ready to commence implementation during the fiscal year of the requested allocation.
11. That the SFMTA agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in the Proposed FY14 TDA 3 Project List, for the benefit of and use by the public.

WHEREAS, If any of the projects and programs do not receive funding, this will not affect SFMTA's other projects and programs; now, therefore, be it,

RESOLVED, That the SFMTA Board of Directors authorizes the SFMTA, through its Director of Transportation (or his designee), to accept and expend up to $432,932 in FY13/14 Transportation Development Act, Article 3 funds for bicycle facility projects as set forth in the Proposed FY14 TDA 3 Project List ; and be it further,

RESOLVED, That the SFMTA Board of Directors, by adopting this resolution, does hereby affirm the following: That the SFMTA is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the SFMTA legally impeded from undertaking the project(s) described in the "Proposed FY14 TDA 3 Project List" of this resolution; That the SFMTA will commit adequate staffing resources to complete the project(s) described in the Proposed FY14 TDA 3 Project List; A review of the project(s) described in the Proposed FY14 TDA 3 Project List has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s); Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the Proposed FY14 TDA 3 Project List have been reviewed or will be reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested; That the project(s) described in the Proposed FY14 TDA 3 Project List comply or will comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000, *et seq.*); That as portrayed in the budgetary description(s) of the project(s) in the Proposed FY14 TDA 3 Project List, the sources of funding other than TDA will be assured and adequate for completion of the project(s); That the project(s) described in the Proposed FY14 TDA 3 Project List are for capital construction and/or design engineering of bicycle facility projects; That the project(s) described in the Proposed FY14 TDA 3 Project List which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370, *et seq.*); That the project(s) described in the Proposed FY14 TDA 3 Project List are ready to commence implementation during the fiscal year of the requested allocation; That the SFMTA agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in the Proposed FY14 TDA 3 Project List, for the benefit of and use by the public; and be it further,

RESOLVED, That the SFMTA Board recommends that the Board of Supervisors approve the acceptance and expenditure of the aforementioned grant funds as part of a countywide application with the Department of Public Works; and be it further,

RESOLVED, That the SFMTA Board authorizes the Director of Transportation (or his designee) to execute agreements and provide documents required for receipt of these funds, pending approval of the Board of Supervisors; and be it further,

RESOLVED, That the Director of Transportation (or his designee) shall transmit a copy of this resolution to the Metropolitan Transportation Commission.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of June 4, 2013.

_____

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

Attachment A

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2013/14 Applicant: City and County of San Francisco

Contact person: Suzanne Sui Wang, Principal Analyst

Mailing Address: 1 South Van Ness Avenue, 8th FL, San Francisco, CA 94103

E-Mail Address: Suzanne.Wang@sfmta.com Telephone: (415) 701-4541

Secondary Contact (in event primary not available): Seleta Reynolds, AICP, Section Leader, Livable Streets

E-Mail Address: Seleta.Reynolds@sfmta.com Telephone: (415) 701-4551

Short Title Description of Project: Bicycle Facility Projects

Amount of claim: $432,932

Functional Description of Project and Financial Plan:

Short Title	Functional Description	TDA 3.0 Amount	Total Project Cost
Regional Bicycle Sharing Pilot	The SFMTA will spend the TDA Article 3.0 funds as a portion of the SFMTA's local match commitment to a second allocation of Bay Area Climate Initiative (BACI) funds from the Metropolitan Transportation Commission anticipated in Spring/Summer 2013. These combined grant funds will provide funding for a bike sharing project expansion of 371 bicycles and 37 stations. Bike sharing will reduce single-occupancy vehicle travel to transit stops by offering bicycles as a first- and last-mile transportation alternative, thereby reducing vehicle miles traveled and greenhouse gas emissions and improving local air quality. Additionally, it will provide an alternative to overburdened transit for short, quick trips.	$ 200,000	$ 2,900,000
Bicycle Parking	The SFMTA will spend the TDA Article 3.0 funds on bicycle parking implementation, including the purchase and installation of bicycle racks, wheel stops, bollards and other measures to facilitate bicycle parking at various locations in San Francisco as requested by the public and as identified by staff. In addition to sidewalk locations, these funds may also be used for on-street bicycle parking corrals, which consists of bicycle racks placed in the parking lane of a roadway where demand for bike parking is higher than can be accommodated on the sidewalk.	$ 50,000	$ 50,000
Bicycle Project Coordination with Near Term Repaving Projects	The SFMTA will spend the TDA Article 3.0 funds on bicycle facility design and implementation that can be coordinated with DPW repaving contracts as part of the Proposition B General Obligation Bond Streetscape Project list. "Notice of Intent" documents will be reviewed by MTA staff. The review process will likely follow the current Prop B program development where projects are reviewed by SF Public Works, SF Planning, and SFMTA and discussed with the San Francisco Bicycle Coalition, Walk SF, and SF Beautiful. Potential treatments to evaluate include but are not limited to: sharrows, buffered bicycle lanes, bicycle boulevards, bicycle boxes, bicycle parking, cycle tracks, bicycle signals.	$ 50,000	$ 50,000
Post Construction Evaluation	The SFMTA will spend the TDA Article 3.0 funds on evaluation studies to determine the effects of constructing various innovative bicycle treatments not currently used routinely in SF.	$ 15,000	$ 15,000
General Bicycle Facility Fund	The SFMTA will spend the TDA Article 3.0 funds on various bicycle project activities including engineering, construction, maintenance, and project management of bicycle facility projects in San Francisco.	$ 117,932	$ 117,932
Total		$ 432,932	$ 3,132,932

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		$432,932			$432,932
list all other sources:					
1. BACI		2,700,000			$2,700,000
2.					
3.					
Totals		3,132,932			$3,132,932

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	No
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	Yes
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	Yes
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) _____	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes

Enabling policy

The policies that enable and define the SF*park* pilot project

In November 2008, the SFMTA Board of Directors approved legislation that enabled the SF*park* pilot project. It defined the SF*park* pilot areas and specified, as required by city law, the ranges and limits for rates and time limits, as well as parking availability targets. The policy set by this legislation was elaborated and refined by subsequent pricing policy documents.

Enabling legislation

The SF*park* pilot project required several legislative changes, with the November 18, 2008, enabling legislation being the most important. That legislation was intended to be detailed enough to define how the pilot project would operate, while being flexible enough to refine and adjust policies during detailed planning and implementation.

The enabling legislation is annotated with comments and planned refinements, followed by excerpts from subsequent policy documents that provide more detail.

MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS
RESOLUTION No. 08-192

WHEREAS, On November 6, 2008, the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors approved Resolution 07-169, which authorized the acceptance and expenditure of various funds associated with the Urban Partnership Program (UPP) in anticipation of establishing the SF*park* program and approved variable pricing required for the acceptance of these funds; and,

WHEREAS, On April 15, 2008, the SFMTA Board received a report on SF*park*, a program to evaluate new parking management approaches and technology in order to manage San Francisco's parking supply and demand to support the SFMTA's overall transportation goals; and,

WHEREAS, The SFMTA Board approved Resolution 08-086 on April 15, 2008, approving two contracts required to implement SF*park* and the associated pilot projects; and,

WHEREAS, Pricing ranges and strategies as well as occupancy standards for use in association with SF*park* have been developed since presentations on those subjects were made to the Board; and,

WHEREAS, A public hearing on these pilot program parking pricing modifications was noticed in compliance with requirements of Charter § 4.104 and 16.112; and,

WHEREAS, The Port of San Francisco approved on October 28, 2008 Resolution No. 08-68, approving parking pricing and management changes consistent with those contained in this Resolution, and thereby adopting a consistent approach to parking management for the metered on-street parking in its jurisdiction, including areas along the Embarcadero that are adjacent to the SF*park* Pilot Project Areas; and,

WHEREAS, The SF*park* Parking Pilot Project received environmental clearance under the California Environmental Quality Act[1] as a Class 6 Categorical Exemption from the San Francisco Planning Department on May 19, 2008; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Executive Director/CEO to set parking rates within SF*park* Parking Pilot Project Areas and Parking Pilot Project Special Event Areas for the approximate 18 month duration of the SF*park* parking pilot projects; and, be it further

RESOLVED, That parking within the areas specified in Attachment A, incorporated by reference into this resolution, are designated as SF*park* Parking Pilot Project Areas; and, be it further

RESOLVED, That parking within the areas specified in Attachment B, incorporated by reference into this resolution, are designated as SF*park* Parking Pilot Project Special Event Areas; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Executive Director/CEO to adjust parking rates within SF*park* Parking Pilot Project Areas as often as every 30 calendar days[2] for the duration of the SF*park* parking pilot projects; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Executive Director/CEO to adjust metered parking rates within SF*park* Parking Pilot Project Areas in increments of no more than $0.50 per hour and in increments of no more than $0.50 per hour for parking garages and lots; and, be it further[3]

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Executive Director/CEO to vary metered parking rates within SF*park* Parking Pilot Project Areas in as small increments as the block level (i.e., two opposing block-faces or both sides of one street between two cross streets); and, be it further

RESOLVED, That the rate structure for all parking meters, parking garages, and parking lots in SF*park* Parking Pilot Project Areas may be either flat rates (same price per hour all day), or may be based on time of day (variable price by time of day), length of stay (variable price by how long a vehicle has been parked), or a combination of those pricing structures[4]; and, be it further

RESOLVED, That the rates for parking meters and metered lots in the SF*park* Parking Pilot Project Areas, including all types and kinds of parking, including but not limited to automobile, commercial loading, and motorcycle, parking meters, shall be between $0.25 per hour and $6.00 per hour; and, be it further

RESOLVED, That the hourly rates for parking garages in the SF*park* Parking Pilot Project Areas shall be between $1.00 per hour and $10.00 per hour; and, be it further

RESOLVED, That for on-street parking rates in the SF*park* Parking Pilot Project Special Event Area shall be between $0.25 per hour and $18.00 per hour during or up to four hours before special events; and, be it further[5]

RESOLVED, That the Executive Director/CEO is authorized to provide for those drivers who pay an hourly rate for at least three hours at parking garages in SF*park* Parking Pilot Project Areas a discount of between $0.50 and $2.50 for entering garages during off-peak times (based on availability and congestion targets) and/or a discount of between $0.50 and $2.50 for exiting garages during off-peak times, without being required to provide this discount for those drivers who pay a "early bird", monthly, or other fixed time period or special rate structures; and, be it further

RESOLVED, That for parking garages in SF*park* Parking Pilot Project Areas, during the SF*park* parking pilot period the Executive Director/CEO is authorized to specify the times when "early bird" parking rates may apply, so long as those times are restricted to those drivers who enter a garage between 5:00 AM and 10:00 AM and exit the garage between 3:00 PM and 8:00 PM; and, be it further[6]

RESOLVED, That for parking garages in SF*park* Parking Pilot Project Areas, during the SF*park* parking pilot period the Executive Director/CEO is authorized to adjust the cost of all types of daily, monthly, "early bird", and all other non-hourly parking rates in garages in SF*park* parking pilot areas by up to 50 percent compared to those rates as of November 30, 2008; and, be it further[7]

RESOLVED, That any parking price or rate changes for parking meters, garages, and lots that are within the ranges specified in this resolution must be posted on the SFMTA website no less than seven calendar days in advance of the price change; and be it further

RESOLVED, That any parking price or rate changes for monthly parking in parking garages that are within the ranges specified in this resolution must be posted on the SFMTA website and at the specific location where price is changed no later than 30 calendar days before the commencement of the revised pricing; and, be it further

RESOLVED, That the initial availability standards for SF*park* pilot project areas are 10 to 35 percent for metered on-street parking (automobile), 10 to 35 percent for metered on-street parking (motorcycle), 10 to 35 percent for metered on-street commercial loading parking (yellow zones), 10 to 35 percent for metered on-street short-term parking (green zones), and 10 to 35 percent for parking garages and lots; and, be it further[8]

RESOLVED, That the initial availability target for the SF*park* pilot project areas is to achieve the availability standards 60 percent of the time that parking is priced; and, be it further[9]

RESOLVED, That the Executive Director/CEO is authorized to adjust availability standards and targets during the pilot project period to better achieve the goals of SF*park*.

1 As a federally funded project, the SFMTA also received federal environmental (NEPA) clearance.

2 A minor refinement will be to reduce this to at least every 28 days to enable monthly changes.

3 The Executive Director/CEO is able to assign the ability to a staff-level designee. The intent is to make the setting of parking rates into a more technical data-driven process guided by rules and policies set by the SFMTA Board.

4 As seen in the more detailed pricing policy documents, the pilot project is using time of day pricing. The rationale is that time of day pricing more effectively influences when people drive, and therefore congestion. More complex pricing structures were considered, but were not adopted because of the necessity to readily communicate and understand them at the meter or garage.

5 City law requires that upper and lower bounds be set. For on-street parking, $6.00/hr was set as the theoretical maximum that could be reached during the pilot projects, however unlikely a rate that might be. For garage parking $10.00/hr was set $2.00 higher than the highest hourly rate at that time.

6 Subsequent policy documents refine the off-peak and early bird discount time periods as before 7:00am and after 7:00pm.

7 This rate range was too narrow and, for several garages, will likely need to be adjusted during the course of the project.

8 Setting availability standards for each type of parking was deferred until more detailed analysis could be completed. These standards are refined in the more detailed pricing policy documents.

9 The concept is target of achieving the availability standard 90% of the time was abandoned during the development of the detailed rate adjustment policy because availability is being calculated or averaged over a significant period of time (e.g., three hours), which already allows for the possibility of exceeding the standard part of the time. The intent of accepting some amount of time where parking availability standards are exceeded is to not over manage or over price parking by too rigorously trying to achieve an availability standard at all times.

SIERRA CLUB
FOUNDED 1892

San Francisco Group of the San Francisco Bay Chapter
February 18, 2014

2120 Clement Street, Apartment 10
San Francisco, CA 94121

Dear President Chiu:

The Sierra Club strongly supports public transit. In furtherance of that support, we are calling for an environmental impact report (EIR) of private shuttle buses in general and of the Commuter Shuttle Pilot Program, as adopted by the Municipal Transportation Agency Board of Directors on January 21, 2014. Members of the SC are aware that the San Francisco Planning Department issued a categorical exemption for the Commuter Shuttle Pilot Program and that members of the Municipal Transportation Agency Board of Directors adopted the categorical exemption in their adoption of the pilot program.

A categorical exemption is inappropriate because the Program will have significant impacts including impacts on transit times etc. However, a full environmental impact study could assess more accurately and with greater detail impacts of the shuttles. Among questions that could be asked are:

- Do they divert riders from Muni and Caltrain, thereby undermining those systems?
- Do the private shuttles obstruct the operation of Muni, Golden Gate Transit, and SamTrans buses that share bus stops in certain parts of the city, thus potentially endangering riders who are boarding or disembarking and adding to air pollution?
- Is the shuttle bus ridership enough to offset the degradation of air quality from large, diesel buses?
- And are shuttles that ferry employees from San Francisco to points south, or to other parts of San Francisco, contributing to the displacement of lower income San Franciscans to auto-dependent suburbs?

We look forward to your responses to our questions, and to our request.

Sincerely,
Sue Vaughan
Chair
SF Group
Sierra Club

CC:
Clerk of the San Francisco Board of Supervisors, Angela Calvillo, Angela.Calvillo@sfgov.org
Judson True, Judson.True@sfgov.org
Catherine Rauschuber, Catherine.Rauschuber@sfgov.org

Supervisor Eric L. Mar, eric.l.mar@sfgov.org
Supervisor Mark Farrell, mark.farrell@sfgov.org
Supervisor David Chiu, david.chiu@sfgov.org
Supervisor Katy Tang, katy.tang@sfgov.org
Supervisor London Breed, london.breed@sfgov.org
Supervisor Jane Kim, jane.kim@sfgov.org
Supervisor Norman Yee, norman.yee@sfgov.org
Supervisor Scott Wiener, scott.wiener@sfgov.org
Supervisor David Campos, david.campos@sfgov.org
Supervisor Malia Cohen, malia.cohen@sfgov.org
Supervisor John Avalos, john.avalos@sfgov.org

BOARD of SUPERVISORS

City Hall
1 Dr. Ca... n B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No 554-5184
Fax No. 554-5163
TTD/TTY No. 5545227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Tuesday, April 1, 2014**

Time: **3:00 p.m.**

Location: **Legislative Chamber, Room 250, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102**

Subject: **Hearing of persons interested in or objecting to the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors approval of Resolution No. 14-023, California Environmental Quality Act Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program and amending Transportation Code, Division II, and approval of Motion to suspend the SFMTA Board of Directors Rules of Order, Article 4, Section 10, regarding Published Notice approved on January 21, 2014. (Appellants: Richard T. Drury and Christina M. Caro, on behalf of Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club, Service Employees International Union Local Union 1021, and San Francisco League of Pissed-Off Voters) (Filed February 19, 2014).**

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on **March 28, 2014**.

Angela Calvillo
Clerk of the Board

MAILED/POSTED: **March 17, 2014**

From: Poling, Jeanie (CPC)
Sent: Thursday, March 13, 2014 10:28 AM
To: Lamug, Joy
Subject: RE: Appeal of Exemption Determination (CEQA) for SFMTA Resolution 14-023 - Commuter Shuttle Policy and Pilot Program - DISTRIBUTION/MAILING LIST
Attachments: SFMTA Resolution 14-023 Commuter Shuttle Policy and Pilot Program CEQA Appeal distribution list.xlsx

Hi Joy,

Attached is the distribution list. Sorry it's a day late.

Jeanie Poling
Environmental Planner

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-9072 **Fax:** 415-558-6409
Email: jeanie.poling@sfgov.org
Web: www.sfplanning.org

Planning Information Center (PIC): 415-558-6377 or pic@sfgov.org
Property Information Map (PIM):http://propertymap.sfplanning.org

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From: Lamug, Joy
Sent: Thursday, March 13, 2014 9:50 AM
To: Poling, Jeanie (CPC)
Cc: Paine, Carli (MTA); Boomer, Roberta (MTA); Carroll, John (BOS)
Subject: FW: Appeal of Exemption Determination (CEQA) for SFMTA Resolution 14-023 - Commuter Shuttle Policy and Pilot Program - DISTRIBUTION/MAILING LIST

Hi Jeanie,

I'm following up with the email I sent you on February 21 (see below) with regard to the **DISTRIBUTION/MAILING LIST** for the SFMTA Resolution 14-023 Commuter Shuttle Policy and Pilot Program CEQA Appeal. I'm not sure if you are the right contact person for this project (since I haven't heard from you) – I'm hoping you are. If so, please provide the list today, March 13. If not, kindly provide the name and email address of the person in charge.

Thank you in kindly.

Joy Lamug
Legislative Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Direct: (415) 554-7712 | Fax: (415) 554-5163
mail: joy.lamug@sfgov.org
Web: www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking here.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

From: Lamug, Joy
Sent: Friday, February 21, 2014 1:38 PM
To: Poling, Jeanie
Cc: Paine, Carli; Boomer, Roberta; Carroll, John
Subject: Appeal of Exemption Determination (CEQA) for SFMTA Resolution 14-023 - Commuter Shuttle Policy and Pilot Program - DISTRIBUTION/MAILING LIST

Hi Jeanie,

The above referenced appeal was filed with the Clerk's Office on February 19th and was determined by Planning Department to be timely. I was told by Virna Byrd that you're the Planner for this project. The appeal is tentatively scheduled to be heard by the Board of Supervisors on April 1, 2014, and we'd like to have the distribution/mailing list in excel format to be provided to us by **March 12, to** give us enough time to prepare and mail out the hearing notices. Pursuant to Administrative Code, Chapter 31, Section 31.16(b)(4), "The Clerk shall provide such notice no less than 14 days prior to the date the appeal is scheduled to be heard by the Board. The Planning Department shall provide to the Clerk of the Board the list of individuals and organizations that have commented on the decision or determination in a timely manner, or requested notice of an appeal, no less than 20 days prior to the scheduled hearing.

Please email or call me if any questions.

Thank you in advance.

Joy Lamug
Legislation Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Email: joy.lamug@sfgov.org
Web: www.sfbos.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfbos.org/index.aspx?page=104

Name	Organization	Address 1
Christina Caro	Lozeau Drury LLP	
Richard T. Drury	Lozeau Drury LLP	
Susan Brandt-Hawley	Brandt-Hawley Law Group	Chauvet House
Steve Atkinson	McKenna Long & Aldridge LLP	One Market Plaza
Sue Hestor	Attorney at Law	

Address 2	City, State, Zip	email
410 12th St., Suite 250	Oakland, CA 94607	christina@lozeaudrury.com
410 12th St., Suite 250	Oakland, CA 94607	
PO Box 1659	Glen Ellen, CA 95442	
Spear Tower, 24th Floor	San Francisco, CA 94105	SAtkinson@mckennalong.com
870 Market St, Suite 1128	San Francisco, CA 94102	hestor@earthlink.net

From:	Paine, Carli [Carli.Paine@sfmta.com]
Sent:	Thursday, March 13, 2014 2:52 PM
To:	Lamug, Joy
Cc:	Boomer, Roberta (MTA); Carroll, John (BOS)
Subject:	RE: Appeal of Exemption Determination (CEQA) for SFMTA Resolution 14-023 - Commuter Shuttle Policy and Pilot Program - DISTRIBUTION/MAILING LIST
Attachments:	SFMTA Resolution 14-023 Commuter Shuttle Policy and Pilot Program CEQA Appeal distribution list (cp).xlsx

Hi Joy,
Roberta advised me to add contact information for the shuttle sector members and for residents who have submitted complaints/inquiries. See attached for an updated list with these individuals' email addresses added.
Carli

Carli Paine
TDM Manager
Sustainable Streets Division

San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

415-701-4469
www.sfmta.com

Find us on: Facebook Twitter YouTube

From: Lamug, Joy [mailto:joy.lamug@sfgov.org]
Sent: Thursday, March 13, 2014 1:55 PM
To: Paine, Carli
Cc: Boomer, Roberta; Carroll, John
Subject: FW: Appeal of Exemption Determination (CEQA) for SFMTA Resolution 14-023 - Commuter Shuttle Policy and Pilot Program - DISTRIBUTION/MAILING LIST

Hi Carli,

Please find attached, the Planning Department's distribution list (only 5 names to be noticed) for the above referenced. Do you have any list to be added?

Please let us know, if possible today.

Thank you in advance.

oy Lamug
Legislative Clerk

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
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From: Poling, Jeanie (CPC)
Sent: Thursday, March 13, 2014 10:28 AM
To: Lamug, Joy
Subject: RE: Appeal of Exemption Determination (CEQA) for SFMTA Resolution 14-023 - Commuter Shuttle Policy and Pilot Program - DISTRIBUTION/MAILING LIST

Hi Joy,

Attached is the distribution list. Sorry it's a day late.

Jeanie Poling
Environmental Planner

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-9072 **Fax:** 415-558-6409
Email: jeanie.poling@sfgov.org
Web: www.sfplanning.org

Planning Information Center (PIC): 415-558-6377 or pic@sfgov.org
Property Information Map (PIM):http://propertymap.sfplanning.org

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From: Lamug, Joy
Sent: Thursday, March 13, 2014 9:50 AM
To: Poling, Jeanie (CPC)
Cc: Paine, Carli (MTA); Boomer, Roberta (MTA); Carroll, John (BOS)
Subject: FW: Appeal of Exemption Determination (CEQA) for SFMTA Resolution 14-023 - Commuter Shuttle Policy and Pilot Program - DISTRIBUTION/MAILING LIST

Hi Jeanie,

I'm following up with the email I sent you on February 21 (see below) with regard to the **DISTRIBUTION/MAILING LIST** for the SFMTA Resolution 14-023 Commuter Shuttle Policy and Pilot Program CEQA Appeal. I'm not sure if you are the right contact person for this project (since I haven't heard from you) – I'm hoping you are. If so, please provide the list today, March 13. If not, kindly provide the name and email address of the person in charge.

Thank you in kindly.

Joy Lamug
Legislative Clerk
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From: Lamug, Joy
Sent: Friday, February 21, 2014 1:38 PM
To: Poling, Jeanie
Cc: Paine, Carli; Boomer, Roberta; Carroll, John
Subject: Appeal of Exemption Determination (CEQA) for SFMTA Resolution 14-023 - Commuter Shuttle Policy and Pilot Program - DISTRIBUTION/MAILING LIST

Hi Jeanie,

The above referenced appeal was filed with the Clerk's Office on February 19th and was determined by Planning Department to be timely. I was told by Virna Byrd that you're the Planner for this project. The appeal is tentatively scheduled to be heard by the Board of Supervisors on April 1, 2014, and we'd like to have the distribution/mailing list in excel format to be provided to us by **March 12, to** give us enough time to prepare and mail out the hearing notices.
Pursuant to Administrative Code, Chapter 31, Section 31.16(b)(4), "The Clerk shall provide such notice no less than 14 days prior to the date the appeal is scheduled to be heard by the Board. The Planning Department shall provide to the Clerk of the Board the list of individuals and organizations that have commented on the decision or determination in a timely manner, or requested notice of an appeal, no less than 20 days prior to the scheduled hearing.

lease email or call me if any questions.

Thank you in advance.

Joy Lamug
Legislation Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
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http://www.sfbos.org/index.aspx?page=104

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Susan Brandt-Hawley	Brandt-Hawley Law Group	Chauvet House
Steve Atkinson	McKenna Long & Aldridge LLP	One Market Plaza
Sue Hestor	Attorney at Law	

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Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

☐ 1. For reference to Committee: [ ]

An ordinance, resolution, motion, or charter amendment.

☒ 2. Request for next printed agenda without reference to Committee.

☐ 3. Request for hearing on a subject matter at Committee: [ ]

☐ 4. Request for letter beginning "Supervisor [ ] inquires"

☐ 5. City Attorney request.

☐ 6. Call File No. [ ] from Committee.

☐ 7. Budget Analyst request (attach written motion).

☐ 8. Substitute Legislation File No. [ ]

☐ 9. Request for Closed Session (attach written motion).

☐ 10. Board to Sit as A Committee of the Whole.

☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Clerk of the Board

Subject:

Public Hearing - Appeal of Exemption Determination - San Francisco Municipal Transportation Agency's Commuter Shuttle Policy and Pilot Program

The text is listed below or attached:

Hearing of persons interested in or objecting to the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors approval of Resolution No. 14-023, California Environmental Quality Act Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program and amending Transportation Code, Division II, and approval of Motion to suspend the SFMTA Board of Directors Rules of Order, Article 4, Section 10, regarding Published Notice approved on January 21, 2014. (Appellants: Richard T. Drury and Christina M. Caro, on behalf of ra Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club, Service Employees nternational Union Local Union 1021, and San Francisco League of Pissed-Off Voters) (Filed February 19, 2014).

140143

Signatur[illegible] Sponsoring Supervisor: [illegible]

For Clerk's Use Only: